

## **CHAPTER 5 DISTRICT REGULATIONS**

### **Section 500 Purpose**

The purpose of this Chapter is to establish Zoning Districts in order to carry out the general purposes and objectives set forth in Chapter 1 of this Zoning Resolution, to provide for orderly, sustainable growth and development, to aid in the implementation of the Randolph Township Land Use Plan, and to protect the property rights of all individuals by assuring the compatibility of uses and practices within districts.

### **Section 501 Establishment of Districts**

The following zoning districts are hereby established for Randolph Township:

EP	Environmental Protection Overlay District
R-C	Resource Conservation District
PD	Planned Development Overlay District
	<ul style="list-style-type: none"> <li>• Residential Conservation Development</li> <li>• Minor Lane Conservation Development</li> </ul>
A-1	Agricultural District
R-1	Residential District
R-2	Residential District
TC	Town Center District
NC	Neighborhood Commercial District
GC	General Commercial District
I-1	Light Industrial District
F-1	Fair District

### **Section 502 Official Zoning Districts Map**

The districts established in Section 501 as shown on the Official Zoning Map, which together with all data, references, explanatory material, and notations thereon, are hereby officially adopted as part of this Resolution and incorporated by reference herein, thereby having the same force and effect as if fully described in writing.

### **Section 503 Interpretation of District Boundaries**

The following rules shall be used to determine the precise location of any Zoning District boundary unless such boundary is specifically indicated on the Official Zoning Map:

- A. Where district boundaries are so indicated as approximately following the centerlines of thoroughfares or highways, street lines, or highway right-of-way lines, such center lines, street lines, or highway right-of-way lines shall be construed to be said boundaries.
- B. Where district boundaries are so indicated that they approximately follow the lot lines, such

lot lines shall be construed to be said boundaries;

- C. Where district boundaries are so indicated that they are approximately parallel to the center lines or street lines of streets, or the center lines or right-of-way lines of highways, such district boundaries shall be construed as being parallel thereto and at such distance therefrom as indicated on the Official Zoning Map. If no distance is given, such dimensions shall be determined by the use of the scale shown on the Official Zoning Map.
- D. Where the boundary of a district follows a stream, lake, or other body of water, said boundary line shall be deemed to be at the limit of the jurisdiction of the Township unless otherwise indicated.
- E. Where district boundaries are so indicated that they follow or approximately follow the limits of any municipal corporation, such boundaries shall be construed as following such limits.
- F. Whenever any street, alley, or other public way is vacated by official action by the Board of County Commissioners or the Board of Township Trustees, the zoning district adjoining each side of the street, alley or public way shall automatically be extended to the center of such vacation, and all areas within that vacation shall thereafter be subject to all regulations appropriate to the respective extended districts.

All disputes concerning the exact location of zoning district boundaries shall be resolved by the Board of Zoning Appeals.

#### **Section 504 Zoning Map Amendments**

Within fifteen (15) days of the effective date of any change of a zoning district classification or boundary, the Zoning Inspector shall amend or cause to have amended, the Official Zoning Map to reflect such change, and the effective date of such amendment shall be noted, together with appropriate reference to the Resolution and number of the Resolution authorizing such amendment. The Official Zoning Map shall then be signed by the Chairman of the Trustees and attested to by the Clerk.

#### **Section 505 Determination of Substantially Similar Uses**

The following regulations apply when the Board of Zoning Appeals is asked to make a determination as to whether a use proposed is substantially similar to uses otherwise listed as a permitted use in a specific zoning district.

##### **A. Standards for Consideration of Substantially Similar Uses**

The following standards shall be considered by the Board of Zoning Appeals when making an evaluation and determination that a proposed use is substantially similar to a use permitted in the Zoning Resolution:

1. The compatibility of the proposed use with the general use classification system as specified in this Resolution.
2. The nature, predominant characteristics and intensity of the proposed use in relation to those uses specified by this Resolution as being permitted in that district.
3. The size, dimensional requirements, parking requirements, traffic generation potential and other regulatory considerations normally associated with uses specified in this Resolution to which the proposed use is being compared.

#### **B. Effect of Determination That A Use Is Substantially Similar**

Should a use be determined to be substantially similar to a specific permitted use or category of uses provided for in this Resolution, it shall then be permitted in the same manner and under the same conditions and procedures as the use to which it has been found to be substantially similar.

#### **C. Record of Substantially Similar Uses**

The Zoning Inspector shall maintain as a public record, a listing of all uses which have been determined to be substantially similar. For each such use, the record shall include the use as listed in the Resolution, the use unlisted in the Resolution for which a determination of substantial similarity was made, and the dates of any actions thereupon by the Board of Zoning Appeals. Such information may also be used in future zoning amendment considerations.

### **SECTION 510 ENVIRONMENTAL PROTECTION OVERLAY DISTRICT**

#### **Section 510.01 Purpose**

The Environmental Protection Overlay District is a floating overlay district referenced on the Official Zoning District Map to which it is applied; the rights and obligations hereinafter set forth are in addition to those specified by the underlying District.

The purpose of the district is to provide for the development of land and structures to be compatible with the environment and to protect the quality of the environment in those locations where the characteristics of the environment are of significant public value and are vulnerable to damage by development permitted under conventional zoning and building regulations. The Environmental Protection Overlay District is intended to also protect the public and property owners in the district from:

- A. Blighting influences that might be caused by application of conventional land use regulations to properties and areas of sensitive environmental qualities.
- B. Unsafe buildings on unstable land that would be caused by uncontrolled development.

- C. Significant damage or destruction of prominent hillsides and/or valleys caused by improper development thereof.
- D. Significant damage to the economic value and efficiency of operation of existing properties and/or new development due to the interdependence of their visual and functional relationships.
- E. Soil erosion and stream siltation.
- F. The destruction of mature and/or valuable trees and vegetation.
- G. Damage/destruction of non-tidal wetlands that will involve the following nuisance/hazardous activities:
  - 1. Blocking flood flows, destroying flood storage areas, or destroying storm barriers, thereby raising flood heights or velocities on other land and increasing flood damages.
  - 2. Causing water pollution through any means, including location of wastewater disposal systems in wet soils; illegal application of pesticides, herbicides and algicides; disposal of solid wastes or storm water runoff at inappropriate sites; or the creation of unstabilized fills.
  - 3. Increasing erosion.
  - 4. Increasing runoff sediment and storm water.

In addition, activities in or affecting non-tidal wetlands shall not destroy natural wetland functions important to the general welfare by:

- a. Decreasing breeding, spawning, nesting, wintering, feeding or other critical habitat for fish and wildlife including rare, threatened and endangered plant and animal species and commercially and recreationally important wildlife.
- b. Interfering with the exchange of nutrients needed by fish and other forms of wildlife.
- c. Decreasing groundwater recharge.
- d. Destroying sites needed for education and scientific research as outdoor biophysical laboratories, living classrooms and training areas that are biologically significant.
- e. Interfering with public rights in waters and the recreation opportunities for hunting, fishing, boating, hiking, bird watching, photography, camping and other activities in non-tidal wetlands; or
- f. Destroying aesthetic and property values.

### **Section 510.02 Applicability**

Where applicable by the provisions of this Resolution, requirements imposed herein shall be in addition to those of the underlying zoning district. Areas of applicability shall be based on the following at a minimum:

- A. Areas with (on-site inspection may be required) *Hydric soils*, (listing in appendix) based on the USDA, Soil Survey of Portage County, Soil Conservation Service.

- B. *Flood Plains/Flood Hazard Areas*: from Federal Emergency Management Agency, Community Flood Hazard Maps, 1987 or more recent detailed maps with flood elevations.
- C. *Wetlands*: National Wetlands Inventory, U.S. Department of the Interior, 1977; Ohio Wetlands Inventory, or latest Wetlands Maps or Delineations approved by the U.S. Army Corps of Engineers.
- D. *Areas of Steep Slopes*: U.S. Soil Conservation Service, USDA, Soil Survey of Portage County; U.S. Geological Survey, Topographic Quadrangle Maps.
- E. *Forested/Wooded Areas*: 1996 Land Use Inventory, or most recent Land Use Inventory of Randolph Township; 2000 Aerial Photos (Akron Metropolitan Transportation Study); Field Surveys.
- F. *Ponds, lakes, streams, ditches, rivers*: U.S. Soil Conservation Service, Soil Survey of Portage County; Portage County Highway Map, Portage County Engineer; 2000 Aerial Photos; U.S.G.S. Topographic Maps; Field Surveys.
- G. *Rare/Endangered Species*: ODNR Natural Heritage Data, or more recent field work by qualified biologist, botanist.
- H. *Areas of Severe Ground Water Pollution Potential*: ODNR, Ground Water Pollution Potential Map.

Other sources of reliable, more recent, verifiable data may be utilized as a basis of determination of applicability of these regulations.

### **Section 510.03 General Standards**

Prior to the commencement of any development/land use subject to this Resolution, plans and other information reasonably necessary to identify and verify the existence of any of the natural resource features noted above shall be submitted to the Zoning Inspector. The Zoning Inspector will review all proposals utilizing the above data and additional data submitted by the applicant to determine compliance with these regulations.

All plans for development shall account for such features and shall fully comply with the natural resource protection standards applicable to each feature. Site alterations, grading, filling and clearing of vegetation prior to the submission and approval of such plans shall be a violation of this Resolution.

### **Section 510.04 Development/Land Use Regulated Under This District**

- A. Any use/activity of land or buildings/structures that may be detrimental to the natural, scenic and environmental characteristics described herein are regulated by the provisions of this Resolution and subject to the review process described below.

- B. If any of the above uses/activities and related construction is a conditionally permitted use, then environmental review shall occur in conjunction with the plan review conducted by the Board of Zoning Appeals using the applicable regulations of Section 510.05 in addition to the underlying district regulations and other sections of the Resolution as appropriate.
- C. All other activities/uses that are listed as permitted uses or those that pose a detriment to environmental resources and are in violation of these regulations shall require review by the Zoning Inspector to determine the extent of potential or existing environmental impacts. The Zoning Inspector may utilize other governmental agency resources to assist in this determination such as: Soil and Water Conservation District; County Engineer, Regional Planning Commission, County Health Department, County Building Department, EPA, and U.S. Army Corp of Engineers. If negative detrimental impacts are proposed or occurring, the Zoning Inspector may order alterations to plans or corrective actions be taken (if the violation is already in progress), to assure that the above environmental resources will not be negatively impacted.

### **Section 510.05 Minimum Regulations**

- A. ***Flood Hazard Areas:*** Flood plains shall not be developed for habitation or intensive uses. Flood hazard areas may be utilized for non-intensive, passive recreational uses, or accessory uses (not accessory buildings).
- B. ***Steep Slopes:***
  - 1. Slopes of 18-25%: at least 70% of such areas shall remain as permanent open space. No more than 30% of such areas shall be developed and/or re-graded or stripped of vegetation
  - 2. Slopes greater than 25%: At least 85% of such areas shall remain as permanent open space. No more than 15% of such areas shall be developed and/or re-graded or stripped of vegetation. Erosion control plans shall be approved by Portage Soil and Water Conservation District Office and must be adhered to for the affected slopes.
- C. ***Wetlands:***
  - 1. ***Definition:***

The U.S. Fish and Wildlife Service has developed a wetland definition and classification system for the primary purpose of inventorying the nation's wetlands. This definition emphasizes three key attributes of wetlands: wetland vegetation (hydrophytes); hydrology (the degree of flooding or soil saturation); and hydric soils (periodically flooded and/or saturated soils). The service has developed a list of plants occurring in the nation's wetlands, and the U.S.D.A. Soil Conservation Service has prepared a list of hydric soils to help further define wetlands. The National Wetlands Inventory, 1977 is also used to define wetland areas.

## 2. *Activities Regulated:*

Dredging, filling, grading, draining, unnatural flooding, excavation or construction in a wetlands area, or on lands immediately abutting, adjoining or affecting said area if such activity upon these adjacent areas is incompatible with the preservation of those wetlands in their natural state is prohibited. Wetlands are regulated by U.S. Army Corps of Engineers and the U.S. EPA through Section 404 of the Federal Clean Water Act. Prior to conducting any of the above activities affecting a wetland, the Army Corps of Engineers response for a permit or letter of no jurisdiction, shall be required to be submitted to the Zoning Inspector. The response will determine the action that will be allowed. Violation of this regulation could be considered a violation of federal law as well as Township law and subject to both federal and township penalties.

If the Army Corps does not respond in a timely manner, the Zoning Inspector may require the owner/lessor to obtain verification of the wetland boundary through field assessment of a qualified biologist, botanist, or other qualified person/organization. The Portage County Soil and Water Conservation District staff may be able to make an initial field visit to help determine whether jurisdictional wetlands appear to be present, which would be subject to Section 404 and Army Corps review and approvals.

## 3. *Uses Allowed:*

The following uses shall be allowed as a right within a non-tidal wetland to the extent they are not prohibited by any other Resolution or law and provided they do not require structures, grading, fill, draining or dredging except as provided herein or authorized by special permit:

- a. Conservation or preservation of soil, water, vegetation, fish, shellfish and other wildlife.
- b. Outdoor recreational activities, including hunting, fishing, trapping, bird watching, hiking, boating, horseback riding, swimming, canoeing and other similar recreational activities.
- c. The harvesting of wild crops, such as marsh hay, ferns, moss, berries, tree fruits and seeds in a manner that is not injurious to natural reproduction of such crops and provided the harvesting does not require alteration of non-tidal wetland by changing the existing non-tidal water conditions or sources.
- d. Forestry practices limited to the thinning and harvesting of native timber in accordance with a forest management plan that incorporates best management practices approved by the State Forester, or Soil and Water Conservation District Office.
- e. Occasional pasturing of livestock provided manure does not degrade the wetland.
- f. Fishing and trapping in accordance with State and Federal laws.
- g. Education, scientific research, and nature trails.
- h. Uses by right that do not require a special permit that may involve filling, flooding, draining, dredging, ditching or excavating to the extent specifically provided below:

1. Maintenance or repair of lawfully located roads or structures and of facilities used in the service of the public to provide transportation, electric, gas, water, telephone, cable, telecommunications or other services, provided that such roads, structures or facilities are not materially changed or enlarged and written notice prior to the commencement of work is conducted using best management practices to ensure that flow and circulation patterns and chemical and biological characteristics of the wetland are not impaired and that any adverse effect on the aquatic environment will be minimized.
2. Limited ditching, tiling, dredging, excavating or filling done solely for the purpose of maintaining or repairing existing drainage systems for the cultivation of agricultural crops, provided the maintenance or repair activity does not result in the impairment, alteration or loss of non-tidal wetlands not previously used agriculturally.
3. Limited excavating and filling necessary for the repair and maintenance of piers, walkways, observation decks, duck blinds, wildlife management shelters, boat houses and other similar water related structures, provided that they are built on pilings to allow unobstructed flow of water and preserve the natural contour of the non-tidal wetland.
- i. Uses other than those cited above in C3 may only be considered after the Army Corps of Engineers determines jurisdiction and appropriate course of action.

#### 4. *Wetlands Protection*

Wetlands that are required by the Army Corp of Engineers or the Ohio EPA to be retained shall be protected by the following:

- a. A buffer area having a width not less than twenty-five (25) feet, measured from the edge of the designated wetland. The area within this buffer shall not be disturbed and shall be retained in its natural state; and
- b. A minimum building and pavement setback of forty (40) feet, measured from the edge of the designated wetland.



## 5. LIST OF HYDRIC SOILS (wetland characteristics) – in PORTAGE COUNTY, OHIO

<b>Soils Map Symbol</b>	<b>Map Unit Name</b>
Ca	Canadice silt loam
Cg	Carlisle muck
Da	Damascus loam
Fr	Frenchtown silt loam
Ho	Holly silt loam
Ld	Linwood muck
Ln	Lorain silty clay loam
Od	Olmsted loam
Sb	Sebring silt loam
Sv	Sebring silt loam, dark surface variant
Tr	Trumbull silt loam, 0-2% slopes
Wc	Walkill silt loam

**Supplemental List of Non-Hydric Map Units with Hydric Components**

<b>Map Symbol</b>	<b>Map Unit Name</b>	<b>Where Hydric Component Occurs</b>
CcA	Caneadea silt loam, 0-2% slopes	Depressions, drainageways
CcB	Caneadea silt loam, 2-6% slopes	Drainageways, depressions
DkD	Dekalb channery loam, 12-25% slopes	Springs on lower slopes
DkF	Dekalb channery loam, 25-70% slopes	Springs on lower slopes

**Supplemental List of Non-Hydric Map Units with Hydric Components**

<b>Map Symbol</b>	<b>Map Unit Name</b>	<b>Where Hydric Component Occurs</b>
FcA	Fitchville silt loam 0-2% slopes	Depressions, swales
FcB	Fitchville silt loam 2-6% slopes	Depressions, drainageways
FnA	Fitchville-Urban land complex nearly level	Depressions, drainageways
JtA	Jimtown loam, 0-2% slopes	Low lying areas, depressions
MgA	Mahoning silt loam 0-2% slopes	Drainageways, depressions
MnB	Mahoning-Urban land complex, undulating	Depressions, drainageways
Or	Orville silt loam	Low areas and in stream meander Channels
ReA	Ravenna silt loam 0-2% slopes	Drainageways, depressions
RmA	Remsen silt loam, 0-2% slopes	Drainageways, depressions
RsC2	Rittman silt loam, 6-12% slopes	Drainageways
WaA	Wadsworth silt loam, 0-2% slopes	Drainageways, depressions
WaB	Wadsworth silt loam, 2-6% slopes	Drainageways

#### **D. *Unstable Soils***

Soils which are rated severe due to being unstable and/or subject to slippage according to the Portage County Soil Survey , shall not be built upon to protect personal and real property and lives. On site soil borings may be utilized to verify the exact extent of such soils.

#### **E. *Forested/Wooded Areas***

The purpose of regulation and protection of forested/wooded areas is to provide for the protection, preservation, proper maintenance and use of woodlands located in the Township in order to minimize disturbance to them and to prevent damage from erosion, siltation, loss of wildlife and vegetation, degradation of air quality, and destruction of scenic views.

##### *Regulated Activities:*

1. Clearcutting of woodlands is prohibited unless the woodlands are tree farms with monocultures (single species, same age) or the owner/lessee has a logging plan approved by the State Forester or the Soil Conservation District Office. Such plan shall follow the Best Management Practices for Forest Management.
2. Cutting of forest/woodlands in other areas shall also be done according to best management practices which include selective, rotational cutting, and utilizing sustained yield management.

The owner/lessee shall have a conservation plan approved by the Soil Conservation Service or State Forester.

3. No more than 50% of any individual lot shall be cleared of trees for development purposes unless it can be demonstrated such additional clearance is the minimum clearance necessary to achieve a buildable lot due to other environmental constraints (ie, wetlands, steep slopes) or due to other building, zoning or health code requirements.

#### **F. *Lakes, Ponds, Rivers, Drainage Ways***

The purpose of these regulations is to provide for the protection, proper maintenance, and use of township lakes, ponds, rivers, and drainage ways in order to minimize disturbance to them and to prevent damage from erosion, turbidity, siltation, non-point source pollution, unnatural flooding, and to prevent a loss of fish populations or other beneficial aquatic organisms, loss of wildlife and vegetation and to prevent degradation of water quality in the water and watersheds of the Township.

##### *Regulations:*

1. *Ponds or Lakes*: All such areas shall remain permanent open space. No development or diversion of these bodies of water shall be permitted, except in conjunction with the deepening of a lake or pond and shall be permitted only if the surface area and flood retention capabilities remain unchanged or are enlarged and such activity within the lake or pond is not considered subject to provisions and federal law under the jurisdiction of the Army Corps of Engineers.
2. *Pond Shorelines*: The shorelines of ponds consisting of the area within 50 feet of the shoreline shall contain no more than 15% impervious surfaces. At least 75% of the area shall remain permanent open space.
3. *Lake Shorelines*: Shorelines of lakes, consisting of 100 feet from the shorelines, shall contain no more than 15% impervious surfaces. At least 75% of such area shall remain as permanent open space.
4. *Rivers, Streams, Drainage Ways*: There shall be no alteration, filling, dredging or damming of any river, stream or drainage way without submission and review of such plan by: The Township Trustees, County Engineer, Portage Soil and Water Conservation District Office, U.S. E.P.A., U.S. Army Corps of Engineers, and Portage County Regional Planning Commission. Proof of impacts of such action will be required to be submitted. No impacts shall occur until approvals have been granted by the appropriate authorities.
  - a. A minimum setback/buffer of 120 feet from the high water mark of all rivers and streams shall be maintained in which no structures are to be located other than those listed in this Section for Floodplain and Wetland Management.
  - b. Within 50 feet of the high water mark of any river/stream:
    1. Clearcutting is prohibited.
    2. Clearing of all vegetation is prohibited.
    3. The selected and dispersed cutting of vegetation for wildlife management, or to create a view of a river/stream which does not adversely affect the stability of the river/stream bank, character of the shoreline, nor have an adverse environmental impact on the river such as by adding silt to the river/stream is permitted.
    4. No more than 25% of trees of 4 inches in diameter, 4 feet above ground shall be cut in any 10 year period.
    5. New plantings shall consist of indigenous trees, shrubs and plants.
  - c. Within 25 feet of the high water mark of all river/stream banks, trees are to be maintained and new trees and vegetation are encouraged to be planted to reduce erosion, filter storm water, reduce non-point source pollution and provide habitat areas.
  - d. Landowners are encouraged to place conservation easements on these buffer areas.

**G. *Rare/Endangered Species*:**

*Regulations:*

Rare/endangered species shall not be disturbed unless a qualified<sup>1</sup> biologist, botanist, or other qualified individual conducts a site inspection and determines that there are no rare/endangered species existing at the site.

**H. Areas of Severe/High Ground Water Pollution Potential***Regulations:*

1. There shall be no outdoor storage of any hazardous materials.
2. Any materials rated as hazardous must be stored in sealed containers, in an enclosed building.
3. There shall be no dumping of hazardous materials onto the ground or into wastewater or storm water systems.
4. Where hazardous materials, other than normal types and amounts of household cleaning, maintenance and gardening chemicals, are stored in an enclosed building, the Randolph Township Fire Chief shall be notified in writing of the nature of materials and quantities.
5. Agricultural uses must notify the Fire Chief of the hazardous materials stored, the location of such storage area, and projected materials likely to be stored over the year. This list must be updated annually or if significant changes in chemicals stored occurs during the year.

**SECTION 515 R-C RESOURCE CONSERVATION DISTRICT****Section 515.01 Purpose**

The purpose of this district is:

- A. To conserve and protect areas of special environmental concern within the Township.
- B. To protect the residents from potential damages to the value and efficient use of property due to compromised functionality of the land and resources from man made impacts.
- C. To reduce problems and/or hazards created by development of areas that are unsuitable for development due to topography, flood hazards, high water tables, wetlands, unstable soils, severe ground water pollution potential or are otherwise unsuited for development.
- D. To protect, preserve and maintain the water table and water recharge areas within the Township so as to preserve present and potential water supplies for the public health and safety.
- E. To provide standards that will assure that any allowed development of land and structures will be compatible with the environment and to protect the quality of the environment in those locations where the characteristics of the environment are of significant public value

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<sup>1</sup> Holds higher education degree in such a field and has relevant applied experience.

and are vulnerable to damage by development permitted under conventional zoning and building regulations.

This district is located where one or more environmentally sensitive areas exists in a more extensive geographic area. In addition to the regulations of this district, the regulations of the Environmental Protection Overlay District are applicable.

## **Section 515.01 Uses**

### **A. Permitted Uses**

1. Non-intensive parks and recreation facilities
2. Agriculture (unless otherwise regulated by Section 740)
3. Nature preserves
4. Single family dwelling
5. Planned Development Subdivisions-Residential Conservation Development
6. Agriculture roadside stands
7. Accessory uses/structures incidental to the principal permitted use (*See Schedule 705.01*)
8. Signs as regulated by Chapter 9

### **B. Conditionally Permitted Uses**

The Board of Zoning Appeals may issue Conditional Zoning Certificates for uses listed below subject to the general conditions of Section 600, the specific conditions of Section 601, the standards of this section, the Environmental Protection Overlay District and any other applicable regulations.

1. Bed and breakfast establishment
2. Family day care, Type B
3. Stables
4. Home based business
5. Wireless telecommunication facilities
6. Flag lots
7. Accessory dwelling
8. Accessory structures/uses incidental to the principal conditionally permitted use. (*See Schedule 705.01*)

## **Section 515.02 Lot and Area Requirements**

### **A. Maximum Density**

1 dwelling unit per 2 acres, as noted in 515.02 B.

### **B. Minimum Lot Size**

Two acres, exclusive of road right-of-way and environmentally sensitive areas as

described in the EP District. Final determination will be made by the Zoning Inspector and if necessary, additional technical experts such as the Soil and Water Conservation District. Landowners are encouraged to minimize land disturbance activities. Residential Conservation Development is possible consistent with Section 525A.

**C. Minimum Lot Frontage and Width**

1. One hundred fifty (150) feet
2. Frontage on a cul-de-sac may be reduced to 60 feet.  
Lot width at the building line shall remain at 150 feet.

**D. Minimum Front Yard Setback: 100 feet**

This front yard setback may be reduced to no less than 60 feet from the road right of way if there is natural tree/shrub screening existing or planted within the front setback area. The screening shall be sufficient to minimize the visual impact of the structures on the site.

The Township Zoning Inspector (for permitted uses) or the Board of Zoning Appeals for conditionally permitted uses shall give consideration to views, sight lines, significant vegetation, special features such as stone walls, large trees when allowing for a reduction in the front setback.

**E. Minimum Side Yard Width: 15 feet**

When the lot is adjacent to land in agricultural use, the side yard setback shall be increased to 50 feet.

**F. Minimum Rear Yard Setback: 50 feet**

The Zoning Inspector for permitted uses or the BZA for conditionally permitted uses may adjust the setbacks based upon environmental constraints of the site.

**G. Maximum Lot Width to Depth Ratio: 1:6**

This ratio does not apply to land or new lots being used primarily for agricultural purposes or lots greater than 10 acres in size.

**H. Maximum Building Height: 35 feet**

**Section 515.03 General Design Standards**

In addition to the design guidelines of Section 720, the design standards of section 545.04 shall be followed in the design and placement of structures to achieve the objectives of this district and the resolution as well as those specified below:

*For Single Family Dwelling*

- A. The dwelling shall be located in a manner to avoid any negative environmental impacts on the natural resources of the Township as described in Section 510. (Environmental Protection District Regulations)
- B. In order to minimize damage to lives and property, single-family dwellings shall not be located in a designated flood hazard area, unless proof of a FEMA map amendment is provided to the Township Board of Zoning Appeals.
- C. Adequate buffers may be required by the Zoning Inspector to minimize impacts to natural resources and environmentally sensitive areas of the Township. Guidance of Section 510 may be utilized.

**Section 515.04 Parking**

Parking shall be provided as required in Chapter 8. The location of parking areas and garages shall be located to the side or rear of the principal building to the maximum extent possible.

**Section 515.05 Driveway and Access Limits**

- A. Where lots are located below the level of the road, a driveway permit and Zoning Certificate may not be granted unless the applicant provides the Zoning Inspector or Board of Zoning Appeals with satisfactory methods that will be utilized to improve the property to provide safe access to and from the road right of way property.
- B. There shall be a maximum of two driveway entrances/exits per developed lot.
- C. No driveway centerline shall be located closer than 100 feet from the intersection of any two roadways.
- D. Permits for driveways shall be obtained from the proper authority, depending on whether it is a township, county or state road, prior to construction.
- E. Uses proposing to share a driveway to minimize curb cuts and impervious surfaces shall submit a driveway maintenance agreement for review and approval with the application for a Zoning Certificate or Conditional Zoning Certificate and which, when approved, shall also be filed with the deed(s) for each lot involved. Sharing of driveways is encouraged.

**SECTION 525 PLANNED DEVELOPMENT OVERLAY DISTRICT**  
**A. RESIDENTIAL CONSERVATION DEVELOPMENT**

**Section 525.01 Purpose**

The purpose of this district is to promote the health and safety of Randolph Township through the application of flexible residential development techniques in the arrangement and construction of dwelling units and roads. This flexibility is intended to maximize the conservation of open space while accepting development and retaining the same overall density/development rights permitted under the current zoning district for the property owner. It is further intended to provide an enhanced living environment through the preservation of agriculture, the rural environment, environmentally sensitive areas, scenic views and landscapes. These regulations encourage innovative and livable housing environments within specially designated areas of the community through the permanent dedication of open space and a planned reduction of individual lot area requirements.

**Section 525.02 Residential Conservation Development Plan Review Authority**

Conservation developments shall be reviewed for approval by the Zoning Commission under authority of the Ohio Revised Code, Section 519.021C, pertaining to Planned Unit Developments. As such, the Zoning Commission shall conduct a review for all conservation development plans to come before it, as set forth in this section and all applicable sections of this Zoning Resolution within all Residential Zoning Districts permitting this use.

**Section 525.03 Objectives**

These regulations are further intended to:

A. To maximize protection of the Randolph's natural resources by:

1. Avoiding development on and destruction of sensitive natural resource areas.
2. Reducing the quantity and improving the quality of storm water runoff from the expected development.
3. Maintaining natural characteristics such as woods, hedgerows, natural vegetation, meadows, slopes and streams.
4. Reducing the amount of disturbed land, the conversion of natural areas to landscaped areas for lawns, and the use of invasive vegetation; and
5. Conserving areas of prime agricultural soils, to the extent possible.

B. To conserve the rural quality in the Township which is characterized by:

1. Natural features such as woodlands, steep slopes, floodplains, wetlands, stream corridors, hedgerows, and rock outcroppings.
2. Large, aggregated, undeveloped land areas, fields, and land in agriculture.



3. Scenic vistas and rural views.
  4. Significant historic features such as old barns.
  5. Traditional rural settlement patterns characterized by clusters of compact groupings of development in otherwise wide open spaces; and/or
  6. Appropriate topographic or vegetative screening.
- C. To encourage more efficient use of land and public services through unified development; to allow for more flexible and economical residential layouts and street designs, creating a greater sense of unity and local neighborhood identity in one or more portions of the development.
- D. To establish development review criteria which promotes creative design solutions in a manner which best conserves the Township's natural and fiscal resources.
- E. To establish a review process which maintains local review and approval of the overall development plan and which results in the timely consideration of an application.
- F. To ensure that the proposed Conservation Development complies with the policies and strategies of the Randolph Township Land Use Plan.
- G. To ensure the permanent preservation of open space, scenic views, rural lands and natural resources of the Township.

#### **Section 525.04 Establishment of Residential Conservation Development Overlay Zones**

This zone is a floating overlay over the residential zoning districts (R-C, R-1, and R-2), in Randolph Township. The Conservation Development requirements apply once the proposed development meets the overall housing density requirements as determined in the underlying zoning district and once all approvals from the Zoning Commission are given as set forth in this Resolution.

#### **Section 525.05 Permitted Uses**

The following shall be permitted based on the type of development proposed:

- A. Conservation Development in accordance with the regulations set forth in Section 525.05-525.12.
  1. Detached single-family dwellings
  2. Single family clustered dwellings
  3. Single family attached dwellings
  4. Recreation facilities for use by residents
  5. Restricted open space as required in section 525.07
- B. Agricultural Uses
- C. Accessory structures/uses incidental to the principal permitted use; (*See Schedule 705.01*)
- D. Signs as regulated by Chapter 9
- E. Home Based Business-Tier 1.

### **Section 525.06 Minimum Project Area For Conservation Development**

The gross area of a tract of land proposed for development according to the conservation development option shall be a minimum of 20 acres, but shall not include area within any existing public street right of way.

The area proposed shall be in one ownership or, if in multiple ownership, the application shall be filed jointly by all the owners of the properties included in the conservation development.

### **Section 525.07 Permitted Density/Restricted Open Space**

- A. The minimum restricted open space shall be forty percent (40%) of the total project area.
- B. The maximum density shall be that which the underlying district otherwise allows. The maximum number of dwelling units permitted in a conservation development shall be calculated by:
  - 1. Deducting the following from the total project area:
    - a. Any public right of way within the project boundary existing at the time the development is submitted; and
    - b. The area of land within a floodway, wetland, or existing water body.
  - 2. Multiplying the result of subsection 1 by the maximum density permitted per acre as set forth in this section above.
- C. Alternative Yield Plan to Determine Density

Alternatively, the applicant may develop a yield plan as the basis for estimating density. The density shall be approved by the Zoning Commission. A yield plan consists of conventional lot and street layouts and must conform to Randolph Township's regulations governing lot dimensions, land suitable for development, street design (County) and parking. While these plans are conceptual in nature and not intended to involve significant engineering costs, they must be realistic and must not show potential house sites or streets in areas that would not ordinarily be legally permitted in a conventional layout.

To prepare a yield plan, applicants must first map the Primary Conservation Areas on the subject site. Primary conservation areas include at a minimum:

- 1. Unbuildable Wetlands
- 2. Water bodies
- 3. Land within the 100 year floodplain
- 4. Steep Slopes over 25%
- 5. Soils subject to slumping and instability

These lands are deducted from the total parcel acreage to produce the "Adjusted Tract Acreage" on which density shall be based for residential conservation developments as well as conventional, traditional subdivisions.

The lot and street plan may be prepared as for a conventional traditional subdivision to develop an estimate of the maximum number of lots that could be developed for the conservation development.

### **Section 525.08 Density Bonus Provisions**

The density within a Residential Conservation Development subdivision may be increased by up to a total of twenty percent (20%) with the incorporation of any of the following features:

#### **A. Density Bonus For Provision of Percentage of Smaller Homes**

In order to continue to meet the range of housing needs in Randolph Township such as for the elderly and young families, the Township may provide a density bonus when the developer makes provisions for smaller homes in a development. Such bonus may be given when the developer builds a mix of sizes and types of dwellings that must include at least 10% of the dwellings at 1,000-1,300 square feet in living floor area. The density bonus may be increased with provision of greater than 10%, but not more than 50% of the dwellings in the development of this size.

#### **B. Density Bonus Due to Site Conditions Necessitating Greater Than 10% Acreage In Streets**

Where topographical and other environmental constraints warrant the amount of street acreage to exceed more than 10 percent of the total acreage of the site, the subdivision shall qualify for a density bonus of up to 10 percent.

#### **C. Density Bonus for Endowment Maintenance Fund**

The Township may allow a density bonus to generate additional income to the applicant for the express and sole purpose of endowing a permanent fund to offset continuing open space maintenance costs. Spending from this fund should be restricted to expenditure of interest, in order that the principal may be preserved. Assuming an annual average interest rate of 5%, the amount designated for the Endowment Fund should be twenty (20) times the amount estimated to be required on a yearly basis to maintain the open space. On the assumption that the additional dwellings, over and above the maximum that would ordinarily be permitted on the site, are net of development costs and represent true profit, 75% of the net selling price of the lots shall be donated to the Open Space Endowment Fund for the preserved lands within the subdivision. Such estimates shall be prepared by an agency or organization with experience in open space management acceptable to the Zoning Commission. This fund shall be transferred by the developer to the designated entity with ownership and maintenance responsibilities such as a homeowners association, land trust, or the Township.

#### **D. Density Bonus for Additional Public Access and Amenities**

Dedication of land for public use, including trails, active recreation, etc., in addition to the minimum provided for by the County Subdivision Regulations, may be encouraged by the Township who may grant a density bonus for this purpose. The density bonus for such open space that would be in addition to the minimum land dedication amount required, may also be required to be computed on the basis of a maximum of one dwelling unit per five acres of publicly accessible open space. The decision whether to accept an applicant's offer to dedicate open space for public access shall be at the discretion of the Township Trustees who shall discuss such acceptance with the Zoning Commission. Coordination with the Portage County Regional Planning Commission who administers the Portage County Subdivision Regulations will be required. The Township Trustees shall be guided by the recommendations contained in the Township's Land Use Plan, particularly those sections dealing with trail networks and/or recreational facilities.

#### **E. Density Bonus for Exceeding Minimum Restricted Open Space**

A density bonus may be granted if the applicant exceeds the minimum 40% restricted open space required of these regulations. The percentage of bonus that may be granted will relate to the percentage of additional restricted open space provided by the applicant.

#### **F. Density Bonus for Restriction on Frontage Development**

The Township may provide a density bonus if the applicant removes all development from the primary entrance road frontage to preserve rural character.

#### **G. Density Impact**

The proposed type and density of use shall not result in an unreasonable<sup>2</sup> increase in the need for or impact to public services, roads, and utilities, nor shall the proposed type and density of use place an unreasonable impact to the development site and/or surrounding land and/or property owners and the ecosystem. The Zoning Commission may require that the applicant prepare an impact statement documenting the significance of any environmental, traffic or socio-economic impact resulting from the proposed density increases. An unreasonable impact shall be considered an unmitigatable, significant, adverse effect on the quality of the surrounding neighborhood and community and the natural environment. The applicant may be required to prepare a quantitative comparison of the impacts to assist the Zoning Commission in choosing a site development option and percentage of density bonus.

### **Section 525.09 Regulations for Restricted Open Space**

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<sup>2</sup> Unreasonable with respect to the ability of the neighborhood or community to accommodate without measurable negative impacts to the land, environment, property values, and the ability of the community to pay for the services required to support the development.

## A. General Standards

The restricted open space required in Section 525.07 shall comply with the following:

1. Restricted open space shall be designed and located to conserve significant natural features and historical and cultural elements located on the site.
2. Areas designated for restricted open space purposes may be:
  - a. Preserved in its natural state;
  - b. Designed and intended for the use and/or enjoyment of residents of the proposed development;
  - c. Utilized for farming when authorized in a conservation easement or in the Association's covenants and restrictions.
3. Restricted open space shall be interconnected with open space areas on abutting parcels wherever feasible.
4. Sewage service, storm water management, and/or water supply facilities may be located partially or entirely within restricted open space areas. Where such facilities are so located, easements satisfactory to the appropriate agency/entity shall be established to require and enable maintenance of such facilities by the appropriate parties.
5. In order to encourage the creation of large areas of contiguous open space, areas that shall not be considered restricted open space include:
  - a. Private roads and public road rights of way;
  - b. Parking areas, access-ways, and driveways;
  - c. Required setbacks between buildings, parking areas, and project boundaries;
  - d. Required setbacks between buildings and streets;
  - e. Minimum spacing between buildings, and between buildings and parking areas;
  - f. Private yards;
  - g. A minimum of 15 feet between buildings and restricted open space; and
  - h. Other small fragmented or isolated open space areas that have a dimension of less than 50 feet in any direction.
6. Any restricted open space intended to be devoted to parks and recreational activities shall be of a usable size and shape for the intended purposes. The maximum percentage of required restricted open space that may be developed for active recreation areas, including a community center shall be 5%. The minimum amount of restricted open space that must be suitable for parks and playgrounds shall be 5% or that standard required by the Portage County Subdivision Regulations.
7. Any area within the restricted open space that is disturbed during construction or otherwise not preserved in its natural state, other common areas such as required setback areas, and both sides of new streets shall be landscaped with vegetation that is compatible with the natural characteristics of the site.

8. The restricted open space, including any recreational facilities proposed to be constructed in such space, shall be clearly shown on the general development plan.

## **B. Prohibition of Further Subdivision of Restricted Open Space**

Restricted open space in a conservation development shall be prohibited from further subdivision or development by deed restriction, conservation easement, or other agreement in a form acceptable to the Township's legal counsel, and duly recorded in the Office of the Recorder of Portage County.

## **C. Ownership of Restricted Open Space**

Subject to such permanent restriction as set forth above, restricted open space in a conservation development may be owned by an association, the township, a land trust or other conservation organization recognized by the Township, or may remain in private ownership.<sup>3</sup>

1. *Offer of Dedication*: The township may accept dedication in the form of fee simple ownership of the restricted open space.
2. *Association*: Restricted open space may be held by the members of a Condominium Association or may be held in common ownership by a Homeowners Association, or similar entity. The Township's legal counsel shall determine that, based on documents submitted with the development plan, the association's bylaws or code of regulations specify the following requirements:
  - a. Membership in the Association shall be mandatory for all purchasers of lots in the development or units in the condominium.
  - b. The Association shall be responsible for maintenance, control, and insurance of common areas, including the required open space.
3. *Transfer of Conservation Easements*: With the permission of the Township, the owner(s) of the common open space may, in accordance with the provisions of ORC 5301.67-70, grant a conservation easement to any of the entities listed in ORC 5301.68, provided that:
  - a. The entity is acceptable to the Township;
  - b. The provisions of the conservation easement are acceptable to the Township; and
  - c. The conveyance contains appropriate provisions for assignment of the conservation easement to another entity authorized to hold conservation easements under ORC 5301.68 in the event that the original grantee becomes unwilling or unable to ensure compliance with the provisions of the conservation easement.
4. *Private Ownership of Restricted Open Space*: The Zoning Commission may allow

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<sup>3</sup> Conservation Subdivisions and the open space requirements must also comply with Portage County Subdivision Regulations, governed by the Portage County Regional Planning Commission.

restricted open space to be retained by the applicant subject to all standards and criteria for restricted open space herein including its' preclusion from being developed. However, the minimum amount of land area suitable for parks and playgrounds as prescribed by the Portage County Subdivision Regulations must be accessible for use by all residents of the subdivision. Any transfer of ownership of the restricted open space shall be only to the Home Owners Association or dedicated to the public. Transfer of ownership to anyone other than the HOA or other approved public entity shall be approved by the Zoning Commission and must be consistent with the intent of these regulations.

## **Section 525.10 Development and Site Planning Standards**

Buildings, structures, pavement, and streets shall be located in compliance with the following development and site planning standards:

### **A. Ownership**

Any ownership arrangement, including, but not limited to fee simple lots and condominiums, is permitted in a conservation development. Regardless of the ownership of the land, the arrangement of the dwelling units shall comply with the spacing requirements of this section.

### **B. Lot Requirements**

1. Units are not required to be on lots. However, when lots for standard detached single family dwellings or sublots for single family cluster or attached dwellings are included as part of a conservation development, such lots or sublots shall be of sufficient size and shape to accommodate dwelling units in compliance with the spacing requirements of this section.
2. The applicant shall depict on the development plan, the maximum parameters or building envelopes, to indicate where buildings shall be located, and shall demonstrate that such building locations will be in compliance with the spacing requirements of this section.
3. Development should be designed so that as much as feasible, building lot rear boundary lines do not abut one another. Views of open space from each building site should be preserved as much as feasible.

### **C. Perimeter Building Regulations**

1. The minimum setback from an existing public street shall be that of the underlying district in which the conservation development is located. This setback may be reduced when:
  - a. Natural features are present along the street which would provide adequate buffer between the units in the conservation development and houses located across the streets;
  - b. It is more important to conserve natural resources located on the interior of the site

than to maintain large building setbacks along the street.

The minimum setback from an existing public street may be increased when there are no natural features on the site that would provide sufficient screening and/or buffering from the road right of way.

2. The minimum setback from the project boundary shall be determined by the rear setback distance for the district the project is located in. The setback may be reduced if:
  - a. Adequate natural buffering exists around the perimeter;
  - b. Allowing buildings closer to the boundary better conserves more environmentally sensitive areas that may be located in the interior of the project.

The setback may be increased when adjacent to actively farmed land or to achieve the conservation objectives of this district.

#### **D. Interior Building Setback/Spacing Regulations**

1. The minimum setback from a proposed local public right of way shall be 25 feet.
2. The minimum setback from the edge of the pavement of a private street shall be 40 feet.
3. The minimum separation between principal buildings shall be 35 feet.
4. The minimum separation between principal buildings and accessory buildings shall be fifteen (15) feet.

#### **E. Maximum Total Lot Disturbance**

The maximum total lot disturbance shall be fifty percent (50%) of the lot area or 25,000 square feet, whichever is less. Site disturbance shall include all areas disturbed for the purpose of constructing buildings and structures as well as all graded areas and lawns.

#### **F. Maximum Accessory Building Floor Area**

The floor area for accessory buildings shall not exceed twenty-five (25%) of the first floor living area for the principal residential use to which it is related.

#### **G. Height/Roof Pitch Design**

The maximum principal building height shall be thirty-five (35) feet. Accessory buildings shall not exceed the height of the principal building and roof pitch shall match or complement the principal building roof pitch in design.

#### **H. Resource Protection Regulations (Also see EP District)**

1. *Floodway Protection*



All buildings, structures or land within a floodway shall only be used, and buildings or structures hereafter erected, altered, enlarged, repaired or rebuilt, moved, or designed to be used in whole or part for the uses listed below:

- a. Agriculture;
- b. Public or private parks and outdoor recreational facilities, including swimming pools, riding academies, playfields, ball fields, courts, trails, or similar uses;
- c. Fencing that allows passage of water;
- d. Off street parking areas accessory to the above uses provided that such areas are improved with pervious pavement materials, such as pervious asphalt or pervious concrete or combinations of geotextiles with sand, gravel and sod.

## 2. *Wetlands Protection*

Wetlands that are required by the U.S. Army Corp of Engineers or the Ohio EPA to be retained shall be protected by the following:

- a. A buffer area having a width not less than 20 feet, measured from the edge of the designated wetland. The area within this buffer shall not be disturbed and shall be retained in its natural state; and
- b. A minimum building and pavement setback of 35 feet, measured from the edge of the designated wetland.

## 3. *Conservation of Riparian Zones*

- a. A riparian buffer shall be provided along the entire length and on both sides of a river or perennial stream channel. The buffer area shall have a width not less than 50 feet, measured from the river or stream bank. Small streams without clearly defined high water marks can be measured from the centerline. This buffer may be required to be increased based upon the type of stream, slope of the stream banks, surrounding soils, vegetation, land uses, and the function of the stream, but in general shall not exceed 300 feet. In making a determination on the appropriate buffer width, the Zoning Commission may consult with technical experts such as the Soil and Water Conservation District staff, Portage Park District staff, County Engineer, Regional Planning Commission or others qualified to provide a recommendation to the Zoning Commission.
- b. Walking/Bike trails may be permitted to be located within the riparian buffers when the Zoning Commission determines that such use will create minimal impacts within the buffer and to the stream.

## **I. General Street Design Criteria**

Street alignments should follow natural contours and be designed to conserve natural features.

1. Locations of streets should be planned to avoid excessive storm water runoff and the need for storm sewers.
2. The area of the project devoted to streets and related pavements should be the minimum necessary to provide adequate and safe movement through the development.
3. Single-loaded residential access streets are preferred in order that the maximum number of homes in open space developments may enjoy views of common open space. Where foreground meadows are created between existing public roadways and such single loaded residential streets, residences shall be located on the far side of the access streets as seen from the public roadways and shall front on the far side of the access streets as seen from the public roadways.
4. The road design should incorporate as much as possible, commons or ovals rather than cul-de-sacs.

#### **J. Pedestrian Circulation System**

A pedestrian circulation system shall be included in the conservation development and shall be designed to ensure that pedestrians can walk safely and easily throughout the development. The pedestrian system shall provide connections between properties and activities or special features within the common open space system and need not always be located along streets.

Trails for which public right of passage has been established should be incorporated in the trail pedestrian circulation system.

#### **K. Sewage Disposal**

Development shall be served by individual or public sewage disposal systems. Individual sewage disposal systems shall comply with all applicable regulations of the Portage County Health District and/or Ohio EPA and may be located within common open space areas when approved by the Township and the Portage County Health District. Public/central sewage disposal systems shall be in compliance with Portage County Water Resource Department and Ohio EPA requirements.

#### **L. Waivers**

In the event the Zoning Commission determines that certain standards set forth in this section do not or should not apply to the circumstances of a particular project and an alternative method of achieving the objectives of the numerical standard is equal to or better than the strict application of the specified standard, the Township Zoning Commission may relax such standard to an extent deemed just and proper, provided the granting of such relief shall be without detriment to the health and safety of the neighborhood or community and will not be detrimental to or impair the intent of this Section.

## **Section 525.11 Development Design Criteria**

In addition to the development and site planning standards set forth in Section 525.10, all elements of a conservation development, particularly the restricted open space areas, shall be designed in accordance with the following criteria to ensure that the project is appropriate for the site's natural, historic and cultural features and meets the objectives of this district.

### **A. Conservation of Sloping Land**

The road system and buildings should be located to minimize changes to the topography and the need for cutting and filling.

### **B. Conservation of Woodlands, Vegetation, and Other Natural Areas**

The design and layout of the development should conserve, maintain, and incorporate existing wooded areas, meadows, and hedgerows and tree lines between fields or meadows, especially those containing significant wildlife habitats.

### **C. Conservation of Wildlife Habitats/Endangered Species**

Wildlife habitat areas and plants of species listed as endangered, threatened, or of special concern by the U.S. Environmental Protection Agency and/or the Ohio Department of Natural Resources should be protected.

### **D. Conservation of Prime Farmland**

Farmland that satisfies the US Department of Agriculture definition of prime or locally unique, or has been identified as locally important in the Township Land Use Plan or County Farmland Preservation Plan should be conserved to the maximum extent possible.

### **E. Conservation of Existing Scenic Vistas and Visual Quality of the Environment**

Buildings should be located to ensure that scenic views and vistas are unblocked or uninterrupted.

### **F. Conservation of Cultural Resources**

Sites of historic, archeological, or cultural value and their environs should be protected as needed to safeguard the character of the feature, including stone walls, spring houses, barns, foundations, earth mounds, burial grounds, and other such similar features.

## **Section 525.12 Project Review Procedures**

Under the authority established in ORC 519.021C, the Township Zoning Commission shall review and approve development plans for a proposed conservation development according to the procedures set forth in this section.

## **A. Submission of a General Development Plan**

The applicant shall submit a General Development Plan application to the Township Zoning Inspector. The application shall include documentation illustrating compliance with the standards and criteria set forth in this Section. The application and documentation shall include but not necessarily be limited to:

1. Identification of existing site characteristics, including a general depiction of:
  - a. Boundaries of the area proposed for development, dimensions and total acreage.
  - b. Contour lines at vertical intervals of not more than 5 feet, highlighting ridges, rock outcroppings and other significant topographical features.
  - c. Locations of wetlands (and hydric soils), the floodway boundary and floodway elevations as delineated by the Federal Emergency Management Agency, rivers and streams and their related river or stream bank, ponds and other water courses.
  - d. Existing soil classifications.
  - e. Locations of all wooded areas, tree lines, hedgerows, and specimen trees.
  - f. Delineation of existing drainage patterns on the property, existing wells, and well sites.
  - g. Description of significant existing vegetation by type of species, health, quality, etc.
  - h. Existing buildings, structures and other significant man-made features on the site and within 200 feet of the project boundary.
  - i. Description of all structures and areas of known or potential historical significance.
  - j. Existing viewsheds and identification of unique vistas.
2. The preliminary site plan shall be drawn at a scale of not less than 1"=100 feet, except that projects over 200 acres may be drawn at a scale of 1"=200 feet and shall include:
  - a. A summary of the proposed development including the total acreage, number of residential units, types of dwellings, density by type of dwelling, and acreage of restricted open space to be conserved.
  - b. A sketch layout of standard single-family lots, if any.
  - c. The location of the restricted open space and any proposed recreational facilities.
  - d. Natural features to be conserved and any required buffer areas.
  - e. Natural features to be altered or impacted by the development and areas where new landscaping will be installed.
  - f. Proposed location of public street rights of way.
  - g. Proposed utility easement locations.
3. An outline of the method/structure to perpetually preserve the required restricted open space which indicates:
  - a. The structure of the Association if this is the method chosen.
  - b. Membership requirements.
  - c. Financial responsibilities.
  - d. The relationship of the entity to public agencies having responsibilities related to the project.

4. A description of the project phasing including the phased construction of open space improvements.

## **B. Review for Completeness**

Within five working days of receiving the application, the Zoning Inspector shall review the application to determine that the application includes all the items required in the Subsection A above, notify the Zoning Commission of the receipt of the application, and make it available for review. If the application is deemed complete and the application fee paid, the Zoning Inspector shall officially accept the application on that date.

## **C. Review of General Development Plan By Others**

The Township Zoning Inspector shall distribute the general development plan application to the following for review and comment:

1. Regulatory agencies that have statutory authority to subsequently review and approve any aspect of the development, including but not limited to the Regional Planning Commission, the County Health District, the County Water Resources Department .
2. Other agencies, which at the discretion of the Township, may have appropriate technical expertise. Critical areas (such as wetlands) and other important technical aspects (such as traffic volumes) are to be verified/certified by outside review by the appropriate agency(ies) such as Soil and Water Conservation District, Portage County Regional Planning Commission.
3. Appropriate Township administrative officials, including the Township's legal counsel.
4. Any relevant consultants retained by the Township.

All comments shall be returned to the Township within 30 days from the date mailed.

## **D. Site Visit**

The Township Zoning Commission shall, together with the applicant and the applicants' consultants, visit the site to gain a thorough understanding of the characteristics of the site.

## **E. Review and Approval By the Township**

The Township Zoning Commission shall review the general development plan and the comments received from others. The Township Zoning Commission shall take action on the submitted general development plan by either:

1. Approving as submitted;

2. Approving the plan subject to specific conditions not included in the plan as submitted such as, but not limited to, improvements to the general building layout or open space arrangement;
3. Disapprove the general development plan.

The Zoning Commission should act upon the general development plan within sixty (60) days from the date the application is determined complete, or such other time as is reasonable depending upon the complexity of the proposed development.

All deliberations and actions of the Zoning Commission shall be conducted in an open public meeting and shall comply with the Open Public Meetings Act.

#### **F. Significance of the Approved Plan**

Approval of the general development plan shall:

1. Establish the development framework for the project, including the general location of open space, development areas, densities, unit types, recreational facilities, and street alignments.
2. Be the basis for the application to proceed with detailed planning and engineering in reliance on the approved general development plan.
3. Provide the benchmark for the Township Zoning Commission to consider and approve amendments to the general development plan when the Township Zoning Commission determines that the amended plan is equal to or better than the approved general development plan.
4. Authorize the applicant to apply for all other required regulatory approvals for the project or subsequent phases thereof.

#### **G. Final Development Plan**

After a general development plan has been approved, an applicant shall submit for review and approval, a final development plan. The final development plan may be submitted either for the entire project and for each construction phase.

##### *1. Submission Requirements*

- a. A site plan drawn at a scale of not less than 1" = 100' indicating:
  1. Boundaries of the area proposed for development, accurate dimensions, and total acreage.
  2. The exact location and dimension of private streets, common drives and public street rights-of-way.
  3. Exact location of building footprints or envelopes within which dwelling units are

- to be constructed, and lot lines with dimensions for all residential units for which individual ownership is proposed.
- 4. Dimensions of building/unit spacing.
- 5. The extent of environmental conservation and change and the exact location of all no cut/no disturb zones.
- 6. Designated restricted open space areas and a description of proposed open space improvements.
- b. A grading plan drawn at a scale of 1" = 100 feet, showing all information pertaining to surface drainage.
- c. A detailed landscaping plan for new landscaping, including entry features and signs.
- d. The Declaration, Articles of Incorporation and either By-laws (for a Condominium Association) or Code of Regulations (for a Homeowners Association) and any other final covenants and restrictions and maintenance agreements to be imposed upon all the uses of land and pertaining to the ownership, use and maintenance of all common areas, including restricted open space.
- e. Conditions imposed by other regulatory agencies.

## 2. *Review for Completeness*

Within 5 working days of receiving the application, the Zoning Inspector shall review the application to determine that the application includes all the items required in subsection G.1, above. If the application is deemed completed and the application fee paid, the Zoning Inspector shall officially accept the application on that date.

## 3. *Distribution of Final Development Plan*

The Zoning Inspector shall distribute the final development plan application to the Zoning Commission, the Township legal counsel and other appropriate administrative agencies and departments or professional consultants for review and comment. Any reports, comments, or expert opinions shall be compiled by the Zoning Inspector and transmitted to the Zoning Commission prior to the time of the Commission's review.

## 4. *Review by the Township's Legal Counsel*

The Township's legal counsel shall review the Declaration, Articles of Incorporation and either Bylaws or Code of Regulations and any other final covenants and restrictions and maintenance agreements to be imposed upon the conservation development. The legal counsel shall provide a written opinion to the Zoning Commission documenting that the above demonstrates full compliance with the requirements of this Chapter.

## 5. *Review and Approval by the Township*

The Zoning Commission shall review the final development plan and the comments received. The Zoning Commission shall determine if the final development plan is in compliance with the general development plan and take action on the submitted final development plan by either:

- a. Approving the plan as submitted;
- b. Approving the plan subject to specific conditions not included in the plan as submitted such as but not limited to open space arrangements;
- c. Disapprove the Final Development Plan.

The Zoning Commission should act upon the final development plan within sixty (60) days from the date the application is determined complete, or such other time as is reasonable depending upon the complexity of the proposed development.

All deliberations and actions of the Zoning Commission shall be conducted in an open public meeting and shall comply with the Open Public Meetings Act.

## ***B. MINOR LANE CONSERVATION DEVELOPMENT***

Minor lane conservation development may be permitted, provided the following standards are met in addition to other applicable requirements of this Resolution.

### **Section 525.13 Purpose**

The purpose of this subsection is to encourage greater conservation of land and open space which also enhances rural character of the Township by minimizing the impact of residential development on the rural areas of the Township. This section recognizes and accommodates the need for residential development in a more creative manner than traditional road frontage development. Residential development that enhances the rural living environment through the permanent dedication of open space and/or the permanent preservation of agricultural land while preserving the already existing non-developed roadway frontage from being developed is encouraged.

### **Section 525.14 Objectives**

The following are the objectives for minor lane conservation developments:

- A. To preserve undeveloped roadway frontage from being developed.
- B. To provide another mechanism for the permanent protection of agricultural lands and the permanent creation of efficient and aesthetic open space areas and other noteworthy features of the community, reflective of and consistent with its rural character.
- C. To allow for a more flexible and economical residential design and layout which will facilitate a greater sense of unity and neighborhood identity.
- D. To provide for a development design that will minimize the destruction and disruption of the natural topography, scenic vistas, trees and other vegetation, as well as preserve the natural drainage patterns to the extent possible.
- E. To allow for more efficient use of the land than is generally achieved through conventional



frontage development practices.

- F. To facilitate a development pattern that is consistent with the land use plan adopted by the Township and Regional Planning Commission.

#### **Section 525.15 Special Provisions Governing Establishment of a Minor Lane Conservation Development and Overlay Zones**

Because of the special characteristics of the minor lane development, special provisions governing the development of land for this purpose are required. Nothing in this section shall be interpreted to exempt a minor lane development from the requirements of the Portage County Subdivision Regulations or any other laws.

The Minor Lane Conservation Development Overlay Zone is a floating overlay zone over the R-1 Residential Zoning District, in Randolph Township. The Conservation Development requirements apply once the proposed development meets the overall housing density requirements as determined in the underlying zoning district and once all approvals from the Zoning Commission are given as set forth in this Resolution.

#### **Section 525.16 Procedures for Making Application**

Under the authority established in ORC 519.021C, the Township Zoning Commission shall review and approve development plans for a proposed conservation development according to the procedures set forth in this section.

##### **A. Preliminary Sketch**

Prior to submission of a general development plan, the applicant is encouraged to meet with the Zoning Commission to discuss the proposal for a minor lane conservation development in general and to obtain feedback that may be helpful in preparing the general development plan.

##### **B. Submission of a General Development Plan**

The applicant shall submit a General Development Plan application to the Township Zoning Inspector. The application shall include documentation illustrating compliance with the standards and criteria set forth in this Chapter. The application and documentation shall include but not necessarily be limited to:

1. Identification of existing site characteristics, including a general depiction of:
  - a. Boundaries of the area proposed for development, dimensions and total acreage.
  - b. Contour lines at vertical intervals of not more than 5 feet, highlighting ridges, rock outcroppings and other significant topographical features.
  - c. Locations of wetlands (and hydric soils), the floodway boundary and floodway elevations as delineated by the Federal Emergency Management Agency, rivers and streams and their related river or stream bank, ponds and other water courses.

- d. Existing soil classifications.
  - e. Locations of all wooded areas, tree lines, hedgerows, and specimen trees.
  - f. Delineation of existing drainage patterns on the property, existing wells, and well sites.
  - g. Description of significant existing vegetation by type of species, health, quality, etc.
  - h. Existing buildings, structures and other significant man-made features on the site and within 200 feet of the project boundary.
  - i. Description of all structures and areas of known or potential historical significance.
  - j. Existing viewsheds and identification of unique vistas.
  - k. Existing land in agricultural use.
2. The preliminary site plan shall be drawn at a scale of not less than 1"=100 feet and shall include:
- a. A summary of the proposed development including the total acreage, number of residential units, types of dwellings, and acreage of restricted open space to be conserved within the minor lane development as well as the area to be placed in frontage conservation easement.
  - b. A sketch layout of standard single-family lots, if any.
  - c. The location of the restricted open space and frontage to be conserved through conservation easement.
  - d. Natural features to be conserved and any required buffer areas.
  - e. Natural features to be altered or impacted by the development and areas where new landscaping will be installed.
  - f. Proposed location of public street right-of-ways.
  - g. Proposed utility easement locations.
3. An outline of the method/structure to perpetually preserve the required restricted open space which indicates:
- a. The structure of the Association if this is the method chosen.
  - b. Membership requirements.
  - c. Financial responsibilities.
  - d. The relationship of the entity to public agencies having responsibilities related to the project.

### **C. Review for Completeness**

Within five working days of receiving the application, the Zoning Inspector shall review the application to determine that the application includes all the items required in the Subsection B. above, notify the Zoning Commission of the receipt of the application, and make available for review. If the application is deemed complete and the application fee paid, the Zoning Inspector shall officially accept the application on that date.

#### **D. Review of General Development Plan By Others**

The Township Zoning Inspector shall distribute the general development plan application to the following for review and comment as applicable:

1. Regulatory agencies that have statutory authority to subsequently review and approve any aspect of the development, including but not limited to the Regional Planning Commission, the County Health District, and the County Water Resources Department .
2. Other agencies, which at the discretion of the Township, may have appropriate technical expertise.
3. Appropriate Township administrative officials, including the Townships legal counsel.

All comments shall be returned to the Township within 30 days from the date mailed.

#### **E. Site Visit**

The Township Zoning Commission shall, together with the applicant and the applicant's consultants, visit the site to gain a thorough understanding of the characteristics of the site.

#### **F. Review and Approval By the Township**

The Township Zoning Commission shall review the general development plan and the comments received from others. The Township Zoning Commission shall take action on the submitted general development plan by either:

1. Approving as submitted;
2. Approving the plan subject to specific conditions not included in the plan as submitted such as, but not limited to, improvements to the general building layout or open space arrangement;
3. Disapprove the general development plan.

The Zoning Commission should act upon the general development plan within sixty (60) days from the date the application is determined complete, or such other time as is reasonable, depending upon the complexity of the proposed development.

All deliberations and actions of the Zoning Commission shall be conducted in an open public meeting and shall comply with the Open Public Meetings Act.

#### **G. Significance of the Approved Plan**

Approval of the general development plan shall:

1. Establish the development framework for the project, including the general location of open space, buffers, development area, unit types, and street alignment.
2. Be the basis for the applicant to proceed with detailed planning and engineering in reliance on the approved general development plan, consistent with Portage County Subdivision Regulations.
3. Provide the benchmark for the Township Zoning Commission to consider and approve amendments to the general development plan when the Township Zoning Commission determines that the amended plan is equal to or better than the approved general development plan.
4. Authorize the applicant to apply for all other required regulatory approvals for the project or subsequent phases thereof.

## **H. Final Development Plan**

After a general development plan has been approved, an applicant shall submit for review and approval, a final development plan.

### *1. Submission Requirements*

- a. A site plan drawn at a scale of not less than 1" = 100' indicating:
  1. Boundaries of the area proposed for development, accurate dimensions, and total acreage.
  2. The exact location and dimension of street right-of-ways.
  3. Exact location of building footprints or envelopes within which dwelling units are to be constructed, and lot lines with dimensions for all residential units for which individual ownership is proposed.
  4. Dimensions of building/unit spacing.
  5. The extent of environmental conservation and change and the exact location of all no cut/no disturb zones.
  6. Designated restricted open space areas and a description of proposed open space improvements.
- b. A grading plan drawn at a scale of 1" = 100 feet, showing all information pertaining to surface drainage.
- c. A detailed landscaping plan for new landscaping, including entry features, buffer landscaping and signs.
- d. The Declaration, Articles of Incorporation and either By-laws (for a Condominium Association) or Code of Regulations (for a Homeowners Association) and any other final covenants and restrictions and maintenance agreements to be imposed upon all the use of land and pertaining to the ownership, use and maintenance of all common areas, including restricted open space.

- e. Conditions imposed by other regulatory agencies.
- f. A current copy of the tax map(s) for the subject parcel(s).

## 2. *Review for Completeness*

Within 5 working days of receiving the application, the Zoning Inspector shall review the application to determine that the application includes all the items required in subsection H.1, above. If the application is deemed completed and the application fee paid, the Zoning Inspector shall officially accept the application on that date.

## 3. *Distribution of Final Development Plan*

The Zoning Inspector shall distribute the final development plan application to the Zoning Commission, the Township legal counsel and other appropriate administrative agencies and departments or professional consultants for review and comment. Any reports, comments, or expert opinions shall be compiled by the Zoning Inspector and transmitted to the Zoning Commission prior to the time of the Commission's review.

## 4. *Review by the Township's Legal Counsel*

The Township's legal counsel shall review the Declaration, Articles of Incorporation and either Bylaws or Code of Regulations and any other final covenants and restrictions and maintenance agreements to be imposed upon the development. The legal counsel shall provide a written opinion to the Zoning Commission documenting that the above demonstrates full compliance with the requirements of this Chapter.

## 5. *Review and Approval by the Township*

The Zoning Commission shall review the final development plan and the comments received. The Zoning Commission shall determine if the final development plan is in compliance with the general development plan and take action on the submitted final development plan by either:

- a. Approving the plan as submitted;
- b. Approving the plan subject to specific conditions not included in the plan as submitted such as but not limited to open space arrangements;
- c. Disapprove the Final Development Plan.

The Zoning Commission should act upon the final development plan within sixty (60) days from the date the application is determined complete, or such other time as is reasonable depending upon the complexity of the proposed development.

All deliberations and actions of the Zoning Commission shall be conducted in an open public meeting and shall comply with the Open Public Meetings Act.

## **Section 525.17 Minor Lane Conservation Development General Requirements**

Parcels of land to be utilized as a minor lane conservation development shall be considered on their basis to satisfy the objectives of this section.

- A. All land within the minor lane conservation development shall be contiguous in that it shall not be divided into segments by:
  - 1. Any limited access highway;
  - 2. Any tract of land; or,
  - 3. Any other street or right-of-way, other than for pipelines or electric transmission lines.
- B. In order for a minor lane development to be created, the original tract of land must be comprised of at least twenty (20) acres. For the purposes of interpreting this Resolution, the original tract shall be the lot of record at the effective date of this Resolution.
- C. The minor lane development tract of land must have a minimum amount of frontage on an existing public road equal to three hundred seventy five (375')feet.
- D. The development will require one public or private minor lane intersecting with a public roadway, but not connecting to another public or private roadway. The minor lane conservation development shall be designed in accordance with the standards of this section. These are the minimum design standards for creating a minor lane conservation subdivision. The site conditions may require alternate design standards.
- E. At least twenty-five percent (25%) of the total area making up the minor lane conservation development shall be permanently preserved as open space. The open space area shall be designed as a buffer to aid in preserving the rural character of the township and to insulate agricultural activities from the residential development.
- F. The undeveloped roadway frontage of the original tract of land, which is used to calculate the minimum size and number of lots of the minor lane conservation development, must be permanently preserved from development. This includes the total area of what would have been developed through frontage development. This may be accomplished by the landowner through irrevocable conveyances such as through the execution of a conservation easement.
- G. All private roadways constructed within a minor lane conservation development shall be certified to the Portage County Regional Planning Commission by a civil engineer, licensed to practice in the State of Ohio, as being designed and constructed in accordance with the standards and requirements of these regulations and in accordance with good engineering standards. A copy of this certification is to be provided to the Township.

## **Section 525.18 Uses**

### **A. Permitted Uses**

Compatible residential, open space and recreational uses are permitted, provided that the proposed location will not adversely affect adjacent property.

1. Single family detached dwellings.
2. Single family attached dwellings.
3. Single family cluster dwellings
4. Recreation facilities designed for passive recreation
5. Agricultural uses
6. Accessory structures/uses incidental to principal permitted use (*See Schedule 705.01*)
7. Home based business, Tier 1
8. Signs as regulated by Chapter 9.

#### **B. Conditionally Permitted Uses**

1. Home based business-Tier 2
2. Flag lots
3. Accessory dwelling units (Granny flats)
4. Wireless telecommunication facilities

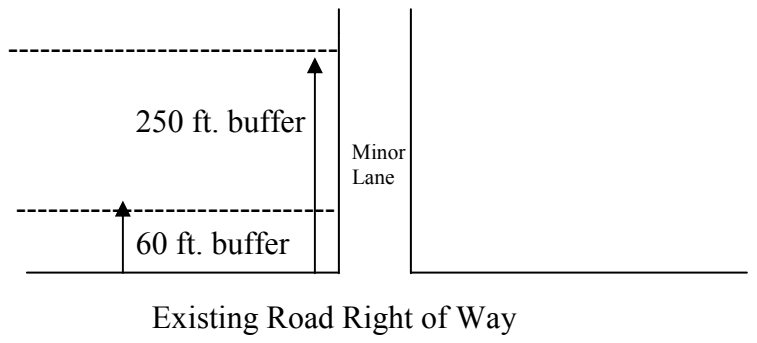
#### **Section 525.19 Density Requirements**

- A. The overall density of a minor lane conservation development shall be calculated by permitting an equal number of building lots which could be created on the already existing undeveloped roadway frontage in accordance with the area requirements for a single family building lot in the R-1 Residential District. For example, if the minimum lot frontage is 150 feet, the landowner has 600 feet of frontage, he could get 4 lots from frontage development, the depth and width of which would be preserved if claiming all 4 lots for the conservation development.
- B. As an incentive for preserving the undeveloped roadway frontage from development, and moving the development on the parcel in a manner that minimizes impacts to rural character and agriculture, the applicant is permitted to create an additional three (3) building lots or equivalent in dwelling units within the minor lane conservation development, providing the minor lane conservation design standards are satisfied.
- C. The minor lane conservation development is limited to a total of ten (10) building lots. All building lots must use the minor lane conservation development roadway for ingress and egress, and not the abutting public road.
- D. The permitted number of dwelling units/building lots within the minor lane conservation development is subject to all the requirements of the Portage County Health Department (PCHD) and/or the Ohio Environmental Protection Agency.
- E. Once a minor lane development has been established and recorded, no further subdivision or access points may occur within the subdivision.
- F. The roadway of the minor lane conservation development shall be limited for access to lots within the minor lane conservation subdivision and shall not be used to access lands outside

the minor lane subdivision boundaries.

### **Section 525.20 Open Space Buffer Design Requirements**

- A. An open space buffer shall be required of all lots having frontage on the existing public road. The buffer zone shall be a minimum of 60 feet back from the road right of way to a maximum of 250 feet from the road right of way for each corner lot.



- B. Each corner lot shall be judged on its own merits. Individual lot improvements, which prohibit disturbing the existing natural features to conceal the development or create manmade screening features such as trees, hills, or other landscaping techniques will be allowed to take advantage of a minimum area buffer zone.
- C. Parcels with unobstructed views and no natural or proposed manmade features to conceal the development will be required to have a deeper buffer zone from the road right-of-way in order to minimize the perceived density and effect on the rural character of the minor lane conservation development. The depth of the buffer zone shall be established early in the review process.
- D. No portion of a minor lane conservation development is permitted within the conservation easement area of the original tract of land.
- E. Individual building lots within the minor lane conservation development must be designed to border an open space buffer zone of at least fifty (50) feet on the perimeter of the subdivision.
- F. Individual lot owners shall not infringe into the buffer zone, except for the installation of pre-approved secondary septic systems.

### **Section 525.21 Standards for Open Space Areas**

The required open space of the minor lane development shall include to the extent possible, a combination of the most sensitive and noteworthy natural, scenic and cultural features associated with the site such as:

- A. Scenic views, with first priority given to scenic views from existing and affronting and abutting roadways;



- B. Prime farmland;
- C. Mature woodlands;
- D. Aquifer recharge areas;
- E. Highly permeable soils;
- F. Wildlife habitat areas;
- G. Historic, archaeological or cultural features.

Significant natural areas and amenities such as tree stands, ponds, ravines, stream banks and channels should be left in their natural state and considered part of the required open space, subject to the minor lane conservation development design standards.

#### **Section 525.22 Standards for the Conservation Easement Areas:**

- A. The portion of the original tract that comprises the minor lane conservation development shall be indicated on a plat and prepared by a qualified surveyor. These lands shall be considered as part of the proposed platted subdivision.
- B. The balance of the original tract of land that may not be a part of the platted subdivision, depending upon the landowners desires and steps taken to divide the land prior to platting the minor lane development, shall be described by metes and bounds description and must also be shown on the plat.
- C. The required conservation easement area preserving the undeveloped roadway frontage, and what would have been the land in lot area of the original tract of land, from any type of development shall be described by metes and bounds description and must be shown on the plat.
- D. The undeveloped frontage area of the original tract to be preserved shall be set aside by the landowner through irrevocable conveyance acceptable to the Portage County Regional Planning Commission and the Township. Forms to permanently preserve this land from any future development shall include at least two vehicles such as:
  - 1. A recorded deed restriction and;
  - 2. A permanent conservation easement to be held by a non-profit organization, defined by the Ohio Revised Code such as a local land trust or other similar entity.
- E. Completed copies of the conservation easement contracts describing the rights and restrictions on the landowner's uses of the property and the responsibilities of the land owner and/or the entity which holds the easement, must be submitted as a component of the application materials. Land that is being farmed, is encouraged to continue to be used for agricultural purposes under the easement.

#### **Section 525.23 Minor Lane Conservation Development Design Standards:**

The following guidelines apply to minor lane conservation developments with regard to the layout of lots and open space:

- A. Protect and preserve all floodplains, wetlands and steep slopes from clearing, grading, filling, or construction.
- B. Grading and surface drainage provisions shall be designed to minimize adverse effects on abutting parcels, streams and public streets, and to minimize the possibility of erosion.
- C. If lots must be located on open fields or pastures because of greater constraints in all other parts of the site, they should be located on the least prime agricultural soils, or in locations at the far edges of fields as seen from existing public roads.
- D. Design around existing hedgerows and tree lines between fields and meadows to minimize impacts on woodlands, especially those containing many mature trees or significant wildlife habitat. Also, woodlands on highly erodible slopes (greater than 10%) should be preserved.
- E. Design around and preserve sites of historic, archaeological or cultural value as needed to safeguard the character of the feature.
- F. Leave scenic views and vistas unblocked or uninterrupted, particularly as seen from existing public roadways.
- G. Avoid siting any development on prominent hilltops or ridges, by taking advantage of lower or shielded topographical areas.
- H. Protect wildlife habitat areas or species listed as endangered, threatened, or of special concern by the Ohio Department of Natural Resources, Division of Natural Areas and Preserves.
- I. Preserve and maintain mature woodlands, existing fields, pastures, meadows, and orchards and create sufficient buffer areas to minimize conflicts between residential and agricultural uses.

#### **Section 525.24 Area and Yard Requirements Within the Development**

- A. Minimum Lot Area:** None. Approval by the Portage County Health Department or EPA will be required for any individual lot size or any clustering of homes.
- B. Minimum Frontage At Street:** 60 feet for individual lots.
- C. Minimum Front Yard Setback from Street Right-of-Way:** 25 feet.
- D. Minimum Distance Between Buildings:** 35 feet.

### **Section 525.25 Roadway Design**

For platted subdivisions, the Portage County Subdivision Regulations shall govern street, drainage and other improvements. If the development is a condominium, the Township shall ensure the following provisions are met:

- A. The roadway of a minor lane conservation development shall not be less than eighteen feet (18') in width.
- B. The roadway of a minor lane conservation development shall have a right-of-way of not less than fifty feet (50').
- C. The right-of-way shall be used for all utilities and drainage to the maximum extent possible.
- D. The cul-de-sac of a minor lane conservation development cannot exceed one thousand feet (1,000') in overall length, and shall have a turnaround at its terminus, unless otherwise required by the Township.
- E. If the roadway within the minor lane conservation development is to be private, the turnaround on a cul-de-sac may be a minimum radius of fifty (50) feet, unless otherwise required by the Township.

### **Section 525.26 Private Road Certification Requirements**

- A. The design of all private roadways within a minor lane conservation development must be certified and/or inspected by a professional engineer, registered in the State of Ohio, prior to the filing of the final plat.
- B. A copy of the owner's private roadway maintenance agreement shall be submitted with the application materials. The owner's roadway maintenance agreement shall be established to run with the lots or units of the subdivision and incorporated in each deed transferring ownership.
- C. The owner's roadway maintenance agreement shall include statements indicating that the private roadway and the private roadway's right-of-way must comply with the County road standards at the time of dedication and a statement signifying that if the private roadway and the private roadway's right-of-way are to be dedicated for public road purposes in the future, the owners agree to grant the required easements.

### **Section 525.27 Maintenance Responsibility for the Private Road**

The approval of a minor lane conservation development with a private roadway does not provide for or imply responsibility for construction, repair, maintenance, snow removal, dust control, or mowing of any private roadway of a minor lane conservation subdivision by either the state, county, or township. No responsibility is assumed by the state, county, or township, or public official in the design, construction, maintenance, or possible failure of any improvement whether present or future. All such responsibility remains with the lot owners in the minor lane

conservation development served by the private roadway and such statements shall be part of the owner's private roadway maintenance agreement.

Approval of a minor lane conservation development served by a private roadway does not imply that school bus service or mail service will be provided on the private roadway and such statements shall be a part of the owner's private roadway maintenance agreement.

### **Section 525.28 Certification Statement Required for Private Roadways**

The following statement of certification of design and construction shall be placed on the plat of a minor lane conservation development served by a private roadway:

"This is to certify that good engineering practices have been utilized in the design and construction of the private roadway and that all minimum roadway standards and all other applicable requirements have been met, including those standards greater than the minimum

where in my opinion, as design engineer, they are needed to protect the safety of the users."

\_\_\_\_\_  
Registered Engineer

\_\_\_\_\_  
Date

### **Section 525.29 Open Space Standards**

#### **A. Use of Common Open Space:**

##### *1. Permitted Uses:*

Subject to other relevant provisions of this resolution, the following uses and improvements shall be permitted on common open space lands: agricultural, passive recreation (including but *not* limited to walking, hiking, horseback riding, sledding and skiing) and other uses similar in character and potential impact, as determined by the homeowners association. Also, included as permitted uses are water wells, septic disposal facilities, and storm water retention areas designed, landscaped and available for use as an integral part of the common open space.

##### *2. Uses That May Be Permitted By The Zoning Commission:*

Uses and improvements on common open space lands requiring a special approval shall include those designed for active recreation such as playgrounds, playing fields or courts for organized sports, swimming pools, picnic areas, bikeways, and any buildings, structures, supporting facilities, driveways, or parking areas proposed in relation to the foregoing. Application for approval once the plat is approved and filed shall be made by the homeowners association. Further subdivision of common open space lands or their use for other than listed in 1 and 2 above shall be prohibited.

### 3. *Ownership and Maintenance of Common Open Space*

#### a. Offer of Dedication

The Township or other appropriate public entity such as the Portage Park District may, accept dedication in the form of fee simple ownership of the common open space.

#### b. Home Owners Association

1. The common open space shall remain undivided and undeveloped, and unsold, and shall be held in common ownership's by the homeowners association.

2. The homeowners association shall be formed and operated under the following provisions:

a. The developer shall provide a description of the association to the Zoning Commission including its bylaws and methods for maintaining the common open space.

b. The association shall be organized by the developer and be operated with financial subsidization by the developer, before the sale of any lots within the development.

c. Membership in the association is automatic (mandatory) for all purchasers of lots or units therein and their successors. Membership shares shall be defined within the association bylaws. The conditions and timing of transferring control of the association from the developer to homeowners shall be identified.

d. The association shall be responsible for payment of all costs of maintaining such common open space. The homeowners association shall be authorized under its bylaws to place liens on the property of owners who fall delinquent in payment of such dues or assessments.

e. The homeowners association shall make provisions in the bylaws for necessary repairs or replacements of septic system leach fields located in the common open space.

#### c. Private Ownership of Open Space

The Zoning Commission may allow open space to be retained by the applicant subject to all standards and criteria for restricted open space herein including its' preclusion from being developed. However, the minimum amount of land area suitable for parks and playgrounds as prescribed by the Portage County Subdivision Regulations must be accessible for use by all residents of the subdivision. Any transfer of ownership of the open space shall be only to the Home Owners Association or dedicated to the public. Transfer of ownership to anyone other than the HOA or other approved public entity

shall be approved by the Zoning Commission and must be consistent with the intent of these regulations.

d. Transfer of Conservation Easements

With the permission of the Township, the owner(s) of the open space may, in accordance with the provisions of ORC 5301.67-70, grant a conservation easement to any of the entities listed in ORC 5301.68, provided that:

1. The entity is acceptable to the Township;
2. The provisions of the conservation easement are acceptable to the Township; and
3. The conveyance contains appropriate provisions for assignment of the conservation easement to another entity authorized to hold conservation easements under ORC 5301.68 in the event that the original grantee becomes unwilling or unable to ensure compliance with the provisions of the conservation easement.

**Section 525.30 Maintenance Standards for Open Space**

- A. The homeowners association or owner of the open space, shall be responsible for raising all monies required for the maintenance of the open space. Failure to adequately maintain the open space in reasonable order and condition constitutes a violation of these regulations.
- B. In the event the owner fails to maintain the open space in reasonable order and condition in accordance with the approved open space development plan, the Township Zoning Inspector may serve written notice upon the owner or president or other officer of the homeowners association, setting forth the manner in which said owner has failed to maintain the open space in reasonable condition and directing the owner to remedy same within thirty (30) days. Failure to achieve such remedy within the specified time shall be cause for action by the township in the same manner as other zoning violation claims.

**SECTION 530 A-1 AGRICULTURE OVERLAY DISTRICT**

**Note: This District is voluntary and may be requested for application to agricultural lands by land owner(s).**

**Section 530.01 Purpose**

The purposes of the A-1 Agriculture District are to:

- A. Implement the goals, policies and strategies of the Randolph Township Land Use Plan to the extent possible that emphasizes protection of agricultural lands and promotion of the agriculture industry as an important component of the local economic base.
- B. To protect and promote the continuation and expansion of farming in areas with prime soils

(Class I, II, and III), and to promote the continuation of farming where it is already established for future food production.

- C. To define, secure and protect a critical mass of farmland in Randolph to encourage the continuation of crop and livestock production and also to enable farm support businesses to remain profitable.
- D. To separate agricultural land uses and activities from incompatible residential, commercial, and industrial development, and public facilities.
- E. To permit and encourage primarily, agricultural land uses and associated activities, as well as uses incidental to agriculture which serve to enhance the continued economic viability of the farm.
- F. To promote adequate and efficient provision of public services by preventing unplanned urban growth in areas more appropriate for agriculture.
- G. To preserve historic, scenic and other farming related values which help to define the character of Randolph Township culture and landscape.
- H. To allow landowners a reasonable return on the value of their farm holdings while protecting the majority of existing farmland base for use by future generations.

#### **Section 530.01.1 Procedure for A-1 Zoning District Application**

The A-1 Zoning District is an overlay district over the R-C and R-1 zoning districts in Randolph Township. Landowners whose parcel(s) of land are enrolled in the Portage County Auditors Current Agricultural Use Value (CAUV) Program and meet the requirements of Section 530 may file an application for A-1 Amendment for their parcel(s). Once an application is determined by the Zoning Inspector to meet the requirements of this district, and Zoning Inspector approves said application, the Zoning District Map shall be amended for the approved parcel(s) to A-1 Classification. To determine eligibility, at a minimum, the parcel(s) must meet the minimum area requirements of Section 530.04 B, Section 530.06 and 530.09 as applicable. Once rezoned to A-1, the requirements of this section shall apply. The Zoning Inspector may require such maps and information necessary to determine eligibility for rezoning to A-1. Once zoned to A-1 Zoning District, any listed conditionally permitted uses proposed by the landowner will require Board of Zoning Appeals approval.

#### **Section 530.02 Use Regulations**

##### **A. Permitted Uses**

1. All agricultural uses and accessory farm structures.
2. Farm dwellings.
3. Non-farm dwellings as specified in this section.

4. Forestry uses, including saw mills.
5. Wineries if located on land used for viticulture.
6. Production nurseries and production greenhouses.
7. Fish hatcheries/fish farms.
8. Wildlife refuge, nature preserves.
9. Environmental/farm education facilities.
10. Accessory structures/uses incidental to the principal permitted use: (*Also see Schedule 705.01*)
  - a. Roadside stands-See Section 745
  - b. Garages-See section 705
  - c. Signs as regulated by Chapter 9.
11. Non-commercial recreational uses (family pools, tennis courts, etc.) Also see Chapter 7 regarding pools.
12. Home based business Tier 1

## **B. Conditionally Permitted Uses**

The following uses may be conditionally permitted. See Specific Conditions in Section 605. No use shall force a significant change in, nor significantly increase the cost of accepted farm or forest practices on surrounding lands devoted to farm or forest use.

1. Home based business-Tier 2.
2. Bed and Breakfast Inns.
3. Family day care type B (6 or less children or adults).
4. Accessory dwelling units (granny flats).
5. Animal hospitals, veterinary facilities, kennels.
6. Horse boarding stables and or riding schools.
7. Conversion of single family dwelling to two family dwelling units.
8. Wireless telecommunication facilities.
9. Extractive industry uses (Mining).
10. Farm related businesses conducted outside the home.
11. Agritourism uses.
12. Restaurants promoting and utilizing locally produced products.
13. Signs associated with the conditionally permitted use in accordance with Chapter 9.
14. Accessory structures/uses incidental to the principal conditionally permitted use. (Also See Schedule 705.01)

## **Section 530.03 Incompatible Uses**

Uses not specifically permitted under sections 530.02 are not permitted in the agricultural zone. In general, uses and activities that induce non-farm development, generate large amounts of traffic, require substantial parking, or could pose a threat to agricultural water supplies are inconsistent with the purposes of the A-1 Agriculture District.

## **Section 530.04 Area Requirements And Limits On Subdivisions/Divisions Of Parent Tracts**



### **A. Limitations on Subdividing/Dividing of Parent Tracts**

1. In order to protect agricultural uses within the A-1 District, it is the intent of this provision that the creation of non-farm lots and the subdivision of farm parcels from parent tracts shall be limited, in order to provide for the retention of tracts of sufficient size to reasonably be used for agricultural purposes.
2. Parent tracts of land may be subdivided/divided into one or more farm parcels and/or non-farm lots according to the following standard:

<b>Size of Tract</b>	<b>New Lots</b>	<b>Remainder</b>	<b>Total</b>
Less than 10 Acres	0	1	1
10.1 to 20 Acres	1	1	2
20.1 to 40 Acres	2	1	3
40.1 to 80 Acres	3	1	4
80.1 to 120 Acres	4	1	5
Over 120 Acres	1 additional lot per 40 acres		

3. A single family detached dwelling may be erected on any single undeveloped lot of record (parent tract or original tract) as of the effective date of this Resolution, notwithstanding the limitations of Section 530.04 B.2. Such lot must be a parent tract in single ownership and not contiguous with other tracts in the same ownership. The parent tract must meet applicable requirements for minimum lot size and any buildings erected on the lot must meet yard setback, lot coverage and height regulations.
4. The provisions of this section shall apply to all parent tracts as of the effective date of this Resolution. Regardless of size, no parcel or lot subsequently subdivided from its parent tract shall qualify for additional single-family detached dwelling or lots pursuant to this section. All subsequent owners of parcels of land subdivided from a parent tract shall be bound by the actions of the previous owners of the parent tract. Any subdivision or land development plan hereafter filed for a parent tract in the A-1 Agricultural Zoning District shall specify which lot or lots shall carry with them the right to erect or place thereon any unused quota of single-family detached dwelling or farm parcels as determined and limited by the provisions of this section.
5. In any event a tract of land not originally classified as part of the A-1 District on the effective date of this Resolution is hereafter classified as part of the A-1 Zoning District, the size and ownership of such a tract of land and its classification as a parent tract shall be determined as of the effective date of the change in the zoning classification to A-1 Agricultural District.

### **B. Minimum Area**

1. Except when conducted as an accessory to a residential use of a non-farm lot, agricultural uses shall require a minimum area of ten (10) acres, and no farm parcel shall be subdivided from a parent tract unless it shall meet the minimum area requirement for agricultural uses.
2. A non-farm lot subdivided from a parent tract shall have a maximum of two (2) acres or the minimum required by the Portage County Health Department to meet on site sewage disposal requirements.
3. Total non-farm development/use may not exceed 15% of the farm in area.

### **Section 530.05 Calculation of Transferable Development Rights**

This section reserved for future use when TDR legislation developed and adopted.

### **Section 530.06 Yard, Coverage and Height Requirements**

#### **A. Minimum Lot Width and Frontage**

1. All non-farm lots shall have a minimum width and frontage of 125 feet.
2. Non-farm lots on cul-de-sacs shall have a minimum frontage of 60 feet.
3. Farm parcels shall have a minimum width and frontage of 60 feet.

#### **B. Minimum Front, Rear and Side Yard Setbacks**

1. All structures located on non-farm lots shall have minimum setbacks as follows:
  - a. *Front:* 100 feet

If part of a cluster of non-farm development, then the setback may be reduced to no less than 50 feet.

This setback may also be reduced to no less than 50 feet from the road right of way if there is natural tree/shrub screening existing or planted within the front setback area. The screening shall be sufficient to minimize the visual impact of the structures on the site.

- b. *Rear:* 30 feet
  - c. *Side:* 25 feet (each side)

2. All structures located on farm parcels including any new farm dwelling shall have setbacks as follows:
  - a. *Front:* 100 feet
  - b. *Rear:* 50 feet
  - c. *Side:* 50 feet
3. No new slaughtering areas, areas for storage or processing of manure or spent mushroom compost, structures for the cultivation of mushrooms or the raising of livestock shall be permitted within 200 feet of an existing residence on an adjacent property.

### **C. Maximum Impervious Surface Area**

The total impervious lot coverage, including both buildings and other impervious surfaces of a non-farm lot shall not be more than twenty (20%); the total lot coverage of a farm parcel shall not be more than ten (10%).

### **D. Maximum Height**

1. The maximum height of a residential building and residential accessory building shall be thirty-five (35) feet.
2. The maximum height of all buildings serving agricultural uses of the property shall be seventy-five (75) feet, excluding silos and windmills, which shall, however be setback a distance at least equal to their height from all property lines and dwelling units.

### **E. Vegetation Setback Requirements**

On any separate non-farm parcel, no shrub or tree shall be planted within twenty (20) feet if it is 10 feet in height or less, or thirty (30) feet if it is greater than 10 feet in height, of any land used for agricultural purposes.

### **Section 530.07 Required Conservation Plan**

Any agricultural use that involves earthmoving activities or commercial harvesting of trees shall require the review and approval of a conservation plan by the Portage County Soil and Water Conservation District Office. All on-site activities shall be in compliance with the approved conservation plan.

### **Section 530.08 Agricultural Nuisance Disclaimer**

Lands within the A-1 Agricultural District are used for commercial agricultural production. Owners, residents, and other users of this property may be subject to inconvenience, discomfort, and the possibility of injury to property and health or even death arising from normal and accepted agricultural practices and operations, including, but not limited to, noise, odors, dust, the operation of machinery of any kind, including aircraft, the storage and disposal of manure, the application of fertilizers, herbicides, and pesticides. Owners, residents, and users of this property should be prepared to accept these conditions and are hereby put on official notice that the Ohio Right to Farm Law (Ohio Revised Code, Chapter 929) may prevent them from obtaining a legal judgement against such normal agricultural operations.

### **Section 530.09 Supplementary Regulations**

#### **A. Dwellings on Non-Farm Lots**

1. The dwelling must be sited on the portion of the lot that separates it as much as possible from adjacent farming, including minimizing the length of property lines shared by the residential lot and adjoining farms.
2. All non-farm development shall be located on the least productive soils for agriculture and in areas that will cause the least interference with farming operations. A soils map with the non-farm development areas drawn to scale on said map shall be submitted with the application for a zoning certificate and it shall also be accompanied by the relevant Agricultural Capability Ratings from the Portage County Soil Survey.
3. The dwelling must be sited on the smallest area practical to satisfy the requirements of this Resolution and on-site sewage disposal regulations.
4. Owners must cluster the non-farm dwellings to the maximum extent possible.

#### **B. Non-Farm Development-General Site Development Standards**

1. Structures shall not be placed in open fields unless there is no other location for placement.
2. Residences shall be located adjacent to tree lines and wooded field edges where feasible.
3. Stone rows and tree lines should be preserved.
4. Existing agriculture structures such as barns and silos should be preserved where feasible.
5. Disturbance for construction of improvements shall be kept to a minimum.
6. Roads/drives should follow existing contours.
7. Existing farm roads should be incorporated into any subdivision design.
8. Dwellings shall not be placed on hilltops, but just below the ridgeline.

### **C. Agricultural Practices/Public Health and Safety**

Only agricultural uses and practices that are not normal and accepted agricultural practices, activities, and operations, and that become detrimental to any persons, property or the general welfare of the community by excessive noise, smoke, dust, odors, erosion, or pollution, shall be deemed a nuisance and a violation of this resolution.

### **D. Time Commitment/Sunset of A-1 Zoning Applicability**

It is intended that any landowner that applies for and receives A-1 zoning classification for their property make a minimum 10-year commitment to maintain their property in this classification. At the end of the 10-year time period, the zoning classification will revert to the surrounding zoning classification unless any of the following conditions exist:

1. The landowner has put an agricultural or conservation easement on their property.
2. The landowner has sold their development rights through a transfer of development rights program.
3. A viable market has developed and currently exists for transferable development rights.
4. The landowner elects to extend the A-1 Zoning for another 5 year or 10 year period.

Where there is more than one zoning classification surrounding the property at the end of the 10-year period, and the applicant does not want to maintain the land in A-1 zoning and none of the above conditions 1-3 exist, the applicant must request the zoning classification desired. The zoning commission will then process the application through the standard zoning amendment process as described in Section 403.

## **SECTION 545 R-1 RESIDENTIAL DISTRICT**

### **Section 545.01 Purpose**

The purpose of this district is to accommodate residential development in a manner that preserves the rural character of Randolph and minimizes the impact upon the natural environment and landscape.

### **Section 545.02 Uses**

#### **A. Permitted Uses**

1. Detached single family dwellings
2. Family day care type B.
3. Minor Lane Conservation Development when meeting criteria of Sections 525.13-30
4. Residential Conservation Development when meeting criteria of Sections 525.01-12
5. Agriculture
6. Temporary/replacement housing

7. Accessory structures/uses incidental to the principal permitted uses (*See Schedule 705.01*)
8. Signs as regulated by Chapter 9.
9. Oil and gas well drilling facilities (Also See Section 745)
10. Home based business-Tier 1 (See Section 712)

## **B. Conditionally Permitted Uses**

The Board of Zoning Appeals may issue Conditional Zoning Certificates for uses listed below, subject to the general conditions of Section 600 and the specific conditions of Section 601.

1. Two family dwellings
2. Home based business-Tier 2 (See Section 601 S.)
3. Accessory dwelling unit (granny flat)
4. Bed and Breakfast Establishments
5. Flag lots
6. Parks and recreation facilities
7. Riding academies and commercial stables
8. Open Space Subdivisions
9. Traditional Platted Subdivision
10. Natural resource extraction
11. Wireless telecommunication facilities
12. Cemeteries
13. Publicly owned and/or operated facilities
14. Churches
15. Campgrounds
16. Accessory structures and uses incidental to the principal conditionally permitted use. (*See Schedule 705.01*)

## **Section 545.03 Density and Lot Area Requirements and Standards**

The following requirements and standards are designed primarily for residential development. Non-residential development that is conditionally permitted shall comply with the requirements of Section 601 and this section as applicable.

### **A. Maximum Density:**

1 dwelling unit/2 acres

### **B. Minimum Lot Size:**

Two (2) acres exclusive of road right of way, unless a larger lot is required to meet requirements for sewage disposal by the Portage County Health Department or Ohio EPA. Lot sizes less than 2 acres may be possible through use of alternative development practices such as the conservation development, open space subdivision or minor lane subdivision.

**C. Maximum Lot Width to Depth Ratio: 1: 6**

This ratio does not apply to land or new lots being used primarily for agricultural purposes or to lots greater than 10 acres in size.

**D. Minimum Frontage:**

1. On cul-de-sacs: 60 feet
2. On all other streets: 150 Feet

**E. Minimum Lot Width at the Building Setback Line:**

150 feet

**F. Minimum Setbacks:**

Landscape plan must be submitted to show screening will exist and must be approved by Zoning Inspector within one year.

**a. Front Yard: 150 feet**

This front yard depth may be reduced to no less than 60 feet from the road right of way if there is natural tree/shrub screening existing or planted within the front setback area. The screening shall be sufficient to minimize the visual impact of the structures on the site.

To receive approval for this reduction from the front yard setback requirement for permitted uses, a landscaping plan shall be submitted with the application for a zoning certificate with other items required in section 400.02. Such plan shall show how the applicant will minimize visual impacts through existing and/or new plantings. New plantings or combination of new and existing plantings must be planted as specified on the plan within one year of issuance of the zoning certificate and will be inspected by the zoning inspector for compliance.

The Township Zoning Inspector (for permitted uses) or the Board of Zoning Appeals for conditionally permitted uses shall give consideration to views, sight lines, significant vegetation, special features such as stone walls, large trees when allowing for a reduction in the front setback

**b. Rear Yard: 30 feet****c. Side Yard: 15 feet**

When lots are adjacent to actively farmed land, the setbacks shall be increased to 50 feet on the side or sides contiguous to such agricultural lands.

## **Section 545.04 General Rural Residential District Design Standards**

In addition to the design standards and guidelines as applicable in Section 720, the following general design standards shall be followed in the design and placement of structures in this district in order to achieve the objectives of this district.

### **A. Location of Buildings/Site Orientation**

1. Avoid placing buildings in the middle of open fields or on the tops of ridge lines whenever possible. Placement at the edge of fields, woodlands or below the ridge line is preferred in order to minimize the visual impact of development.
2. The orientation of building sites should be such as to maintain maximum natural topography and cover. Topography, tree cover and natural drainage ways shall be treated as fixed determinants of road and lot configuration rather than as malleable elements that can be changed to follow a preferred development scheme.
3. The landscape should be preserved in its natural state to the maximum extent possible and practical, by minimizing tree and soil removal.
4. Lots shall be developed in a manner that preserves and enhances views and vistas on or off the subject parcel.

### **B. Clustering**

Clustering of dwelling units may be permitted upon the submission of plans meeting the requirements of this resolution for Residential Conservation Development or Minor Lane Development.

### **C. Design Standards for Roads**

It is the intent of this resolution to minimize the amount of site disruption caused by roadways and the associated grading required for their construction. The Portage County Subdivision Regulations shall govern the design standards for road with the following additions:

1. Where the sites include linear features such as existing access roads, tree lines, and stone rows, roadways shall follow these features to minimize their visual impact.
2. Placement of roadways in open fields shall be avoided to the maximum extent possible.

### **D. Driveways:**

1. The number of driveways accessing off-site public streets shall be kept to a minimum.
2. Permits for driveways shall be obtained from the proper authority, depending upon whether it is a Township, County, or State Road, prior to construction. The proper authority shall determine whether culverts or other improvements are necessary to provide safe access to the road.
3. Where lots are located below the level of the road, a driveway permit and zoning certificate may not be granted unless the applicant provides the Zoning Inspector or Board



of Zoning Appeals with satisfactory methods that will be utilized to improve the property to provide safe access to and from the road right-of-way to the property.

4. The appropriate use of common driveways for no more than 2 dwelling units is encouraged. Use of a common drive for more than two dwelling units shall follow the minor lane development requirements. Where lots will access an off site public street, common driveways shall be used where appropriate to minimize the number of curb cuts required.
5. Minimum common driveway width is 12 feet.
6. Paving shall be required in areas where driveway grade is in excess of six percent. Paving shall include any turnout areas.
7. Maximum length of a common driveway is 1000 feet.
8. Driveways, including turnouts, and in excess of 500 feet shall provide a 10' X 30' turnout, which shall be maintained with gravel, crushed limestone or other similar material. The exact location of the turnout shall be determined by the Township plan review authority with the review of the fire department.
9. All lots using common driveways shall provide a driveway maintenance agreement to be reviewed and approved as part of the application review and shall be filed with the deed.

#### **E. Storm Water Management**

1. Existing natural drainage ways shall be retained.
2. Where storm water management facilities are required, they shall be designed in as small an area as possible.
3. All basins shall require landscaping plans. The basins shall resemble natural ponds to the maximum extent practical.
4. Basin landscaping materials that enhance wildlife habitat shall be selected.

#### **F. Central Water Facilities**

1. Where central water facilities are used, their visual impact shall be minimized.
2. Water towers shall not be placed on ridge lines, but shall be limited to an elevation below the crown line of mature on site trees.

#### **G. Landscaping and Lawns**

1. Existing vegetation shall be preserved in areas where disturbance is not necessary to the maximum extent possible.
2. Where landscaping is proposed, native species shall be included in the design.
3. Where buildings are proposed to be located in woodlands, a treed area of at least 30 feet between the building and the drive or roadway shall be retained.

#### **H. Fencing**

Critical natural areas shall not be fenced.

**I. Lighting**

1. Lighting shall comply with the lighting standards of Section 711.02.
2. **Lighting shall not directly shine, nor cast a glare on to nor illuminate adjacent properties.**
3. Where street lighting is required, its location and intensity shall be subject to the Zoning Commission (PD Conservation Development) or the BZA (conditionally permitted uses) review and approval.
4. Lighting shall be provided only where site-specific safety conditions warrant.

**J. Concrete Engineered Structures**

For curbing, culverts, wall, and outlet structures, the use of dyed and textured concrete as well as of other natural materials is suggested to minimize the visual impact of these structures.

**K. Accessory Buildings and Structures**

Accessory buildings and structures shall be located no closer to the road right of way than the principal building.

**M. Existing Structures**

1. When a tract contains structures deemed to be of historic or architectural significance, and where these structures are suitable for rehabilitation, the structures shall be retained to the extent possible.
2. Adaptive reuse of such existing structures for residential or permitted accessory residential uses shall be permitted.

**N. Commercial Vehicle Parking in R-1 Residential District**

Not more than one commercial vehicle to include: Tractor Trailer Combo, Buses, Semi-Trailer and Dump Truck which is used in an occupation by the occupant may be parked on any property used for residential purposes providing it is in an enclosed building, or behind the residential setback line, or 200 ft from the road right of way and 150' from adjoining property residential dwellings.

**SECTION 550 R-2 RESIDENTIAL DISTRICT****Section 550.0 Purpose**

To encourage and accommodate a mix of residential uses at a medium density which allows for construction of new homes compatible with the form of the existing/historical residential development pattern of the Township Center.

## **Section 550.02 Uses**

### **A. Permitted Uses**

1. *Residential Dwelling Units:*
  - a. Single family detached
  - b. Two family dwelling
  - c. Multi-Family
2. Residential Conservation Development Subject to Section 525.
3. Family day care Type B.
4. Temporary/replacement housing
5. Agricultural uses-Subject to Section 745
6. Accessory structures/uses incidental to the principal permitted use (*See Schedule 705.01*)
7. Signs consistent with Chapter 9.
8. Home based business-Tier 1

### **B. Conditionally Permitted Uses**

The Board of Zoning Appeals may authorize issuance of Conditional Zoning Certificates for the uses listed below, subject to the general conditions of Section 600 and the specific conditions of Section 601.

1. Home based business-Tier 2
2. Bed and breakfast establishments
3. Congregate living/assisted living facilities
4. Nursing home
5. Traditional Platted Subdivisions
6. Open Space Subdivisions
7. Wireless telecommunication facilities
8. Parks and recreation facilities (Non-commercial)
9. Public or private schools
10. Flag lots
11. Accessory dwelling unit (Granny Flat)
12. Accessory structures/uses incidental to the principal conditionally permitted use (*See Schedule 705.01*)
13. Signs (Subject to Chapter 9)

## **Section 550.03 Density, Lot and Area Requirements and Standards**

The following requirements and standards are designed primarily for residential development. Non-residential development that is conditionally permitted shall comply with the requirements of Section 601 and this section as applicable.

### **A. Maximum Density:**

1. With no transferable development rights certificate: 1 dwelling unit/ .5 acres. (2

dwelling units per acre)

2. With transferable development rights certificate from designated sending area:

*This section reserved for future use when transfer of development rights legislation developed and adopted.*

**B. Minimum Lot Area/Dwelling Unit<sup>4</sup>:** 7,260 square feet

**C. Minimum Lot Frontage and Lot Width:** 60 ft.

**D. Minimum Front Yard Depth:**

Each building shall have a front yard setback from the street right of way not less in depth than the average front yard setbacks of all buildings within 200 feet of the lot. In no case shall the building be placed closer than 20 feet to the street right-of-way.

**E. Minimum Side Yard Width:** 15 feet

**F. Minimum Rear Setback:** 30 feet

**G. Maximum Lot Width to Depth Ratio:** 1:3

**H. Maximum Lot Coverage:**

No more than 80% of any lot may be covered by buildings and/or impervious surfaces. Landscaped and grassy areas shall total no less than 20% of the lot area.

#### **Section 550.04 Parking Requirements**

Parking shall be provided as required by Chapter 8. The location of parking areas and garages shall be located to the side or rear of the site in order to maintain a residential and pedestrian neighborhood focus, appearance and function. Parking lots in the rear allows buildings to be closer to the sidewalk.

#### **Section 550.05 Supplementary Regulations**

##### **A. Trash and Refuse**

Multifamily uses shall make adequate provision for collection of trash and refuse. It shall either be stored inside the building until commercial trash collection pickup or within an opaque screened area or fenced, such screening or fencing shall be at least 6 feet in height and accessible by collection vehicle from one side. All trash collection areas shall have a hard surface under the trash receptacles to facilitate collection and clean up.

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<sup>4</sup> Area needed for multifamily is to be calculated at 7,260 sq.ft in area per unit.

**B. Lighting**

Lighting shall comply with standards as specified by Chapter 7, Section 711.02 Lighting Standards.

**C. Sidewalks**

All new development and re-development of lots/uses shall be required to construct sidewalks the width along the frontage of their property within the road right-of-way in accordance with the standards of the Portage County Subdivision Regulations, or the Township standards where the Portage County Subdivision Regulations do not govern.

**D. Driveway and Access Limits**

1. Permits for driveways shall be obtained from the proper authority, depending upon whether it is a Township, County, or State Road, prior to construction. The proper authority shall determine whether culverts or other improvements are necessary to provide safe access to the road.
2. Where lots are located below the level of the road, a driveway permit and Zoning Certificate may not be granted unless the applicant provides the Zoning Inspector or Board of Zoning Appeals with satisfactory methods that will be utilized to improve the property to provide safe access to and from the road right-of-way to the property.
3. There shall be a maximum of two driveway entrances/exits per developed lot.
4. On lots having less than 100 feet of frontage, only 1 access driveway will be permitted.
5. There shall be a minimum distance of 50 feet between proposed and existing driveways on public roads.
6. No driveway centerline shall be located closer than 100 feet from the intersection of any two roadways.
7. Uses proposing to share driveways to minimize curb cuts and impervious surfaces shall submit a driveway maintenance agreement for review and approval with the application for a zoning certificate or conditional use certificate and which, when approved, shall also be filed with the deed(s) for each lot involved.

**E. Commercial Vehicle Parking in R-1 Residential District**

Not more than one commercial vehicle to include: Tractor Trailer Combo, Buses, Semi-Trailer and Dump Truck which is used in an occupation by the occupant may be parked on any property used for residential purposes providing it is in an enclosed building, or behind the residential setback line, or 200 ft from the road right of way and 150' from adjoining property residential dwellings.

## SECTION 553 TC-TOWN CENTER DISTRICT

### Section 553.01 Purpose

- A. To encourage the development of a compact, mixed use township center for the community, which unifies the community and is a viable and visible "Town Center" with a balance of building and land uses.
- B. To enable in-fill development, new construction and the adaptive reuse of buildings to occur in a manner that will be integrated with and compatible to surrounding buildings.
- C. To encourage the preservation and rehabilitation of existing buildings and structures, including the preservation of significant architectural features.
- D. To encourage development that extends the existing close-knit pattern of smaller lot sizes and the mix of residential, retail, office and community uses.
- E. To allow mixed-use structures, including but not limited to, those with retail uses on the ground floor and apartment dwellings or offices on the upper floors.
- F. To encourage uses that are compatible in scale, character and intensity with existing uses and structures.

### Section 553.02 Uses

#### A. Permitted Uses

- 1. *Residential Uses*
  - a. Single family detached dwellings
  - b. Two family dwellings
  - c. Multifamily dwellings
- 2. *Commercial Uses*
  - a. Banks and other financial institutions
  - b. *Food and Drink Preparation/Sales* on premises including but not limited to: bakeries, cafes, delicatessens, grocery stores, meat market, restaurant (sit down and carry out), taverns, candy stores (does not include drive-throughs)
  - c. *Personal Services Establishments*<sup>5</sup> including but not limited to: barber shops, beauty salons, shoe repair shops
  - d. *Professional and Business Offices* including but not limited to: accountants, architects, interior designers, lawyers, dentists, doctors, insurance agents, real estate brokers, travel agents
  - e. *Retail Establishments* including but not limited to: antiques stores, clothing and shoe stores, florists, gift shops, office supply, furniture, hardware, drug stores, electronic stores, art supplies, jewelry stores

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<sup>5</sup> Personal Services are those services frequently needed by residents in the immediate neighborhood and township in general.

- f. *Studios* such as for: dance, art, music, or photography
- g. *Lodging*: Bed and Breakfast Establishments
- 3. Mixed use structures containing permitted uses
- 4. Uses similar in character as determined by the Board of Zoning Appeals
- 5. Home based business-Tier 1

## **B. Conditionally Permitted Uses**

The Board of Zoning Appeals may authorize issuance of conditional zoning certificates for the uses listed below, subject to the general conditions of Section 600 and the specific conditions of Section 601.

- 1. Home based business Tier 2
- 2. Nursery schools and day care centers
- 3. Facilities for and use by social, fraternal, and union organizations
- 4. Carpentry and cabinet making shops, plumbing, heating and air conditioning shops
- 5. *Civic and Institutional Uses*
  - a. Libraries
  - b. Churches and other building for religious worship
  - c. Public and private schools
  - d. Community recreation centers
  - e. Public and civic or social service facilities and uses including parks and playgrounds
- 6. Telecommunication towers and facilities
- 7. Conversion of single family home for up to 3 dwelling units
- 8. Accessory structures/uses incidental to the principal permitted and conditionally permitted uses. *(Also See Schedule 705.01)*

## **Section 553.03 Area, Yard and Height Requirements**

### **A. Minimum Lot Size:** None

### **B. Maximum Residential Density:**

- 1. With no transferable development rights certificate: 1 dwelling unit/ .2 acres. (5 dwelling units per acre)
- 2. With transferable development rights certificate from designated sending area:  
*This section reserved for future use when transfer of development rights legislation developed and adopted.*

### **C. Minimum Frontage and Width:** 60 feet

### **D. Minimum Front Yard Depth:**

Each building shall have a front yard setback from the street right of way not less in depth than the average front yard setbacks of all buildings within two hundred (200) feet of the site.

In no case shall a building be placed closer than twenty (20) feet to the street right of way.

**E. Minimum Side Yard Width:** 15 feet.

The side yards of any non-residential lot that abuts a residential lot shall not be less than 20 feet. Within this increased setback, a landscaped buffer of at least 5 feet or a complete screen shall be provided.

**F. Minimum Rear Yard Depth:** 30 feet.

The rear yards of any non-residential lots that abuts a residential lot shall not be less than 35 feet. Within this increased setback, a landscaped buffer of at least 5 feet or a complete screening shall be provided.

**G. Maximum Building Height:** No structure shall exceed 35 feet in height.

**Section 553.04 Building Size and Lot Coverage**

**A. Building Size Ratio:**

6,000 square feet of gross floor area per 20,000 square feet of lot area. No individual structure shall exceed 20,000 square feet in gross floor area.

**B. Maximum Lot Coverage:**

No more than eighty (80) percent of any lot may be covered by buildings and impervious surfaces. At least twenty (20) percent of the lot shall be grassy yard and/or landscaped.

**Section 553.05 Parking and Loading Requirements**

Parking and Loading areas shall be in compliance with Chapter 8.

Off street parking areas located to the rear or side of buildings, accessed by means of common driveways, and appropriately landscaped, buffered and screened are preferred for expansions and conversions of existing uses.

Off street parking and loading areas for new buildings may be permitted in the side or rear yards only.

**Section 553.06 Signage**

Signage shall be in compliance with Chapter 9.

**Section 553.07 Landscaping and Screening**

Landscaping and screening shall be completed in compliance with Section 710



## **Section 553.08 Plan Review**

Plan review shall be required pursuant to Chapter 4, and Section 720 Site Planning and Design Guidelines.

## **Section 553.09 Supplementary Regulations**

### **A. Trash and Refuse**

All trash and refuse shall either be stored inside the building until commercial trash collection pickup or within an opaque screened area or fenced, such screening or fencing shall be at least 6 feet in height and accessible by collection vehicle from one side. Surface areas under trash receptacles/dumpsters for all uses except single family and two family uses shall be a hard surface to facilitate cleaning and pick up.

### **B. Lighting**

Lighting shall comply with standards as specified by Chapter 7, Section 711.02, Lighting Standards.

### **C. Sidewalks**

All new development and redevelopment of lots/uses shall be required to construct sidewalks the width along the frontage of their property within the road right of way in accordance with the standards of the Portage County Subdivision Regulations, or the Township standards where the Portage County Subdivision Regulations do not govern.

### **D. Driveway and Access Limits**

1. Where lots are located below the level of the road, a driveway permit and Zoning Certificate may not be granted unless the applicant provides the Zoning Inspector or Board of Zoning Appeals with satisfactory methods that will be utilized to improve the property to provide safe access to and from the road right-of-way property.
2. There shall be a maximum of two driveway entrances/exits per developed lot.
3. On lots having less than 100 feet of frontage, only 1 access driveway will be permitted.
4. There shall be a minimum distance of 50 feet between proposed and existing driveways on public roads.
5. No driveway centerline shall be located closer than 100 feet from the intersection of any two roadways.
6. Permits for driveways shall be obtained from the proper authority, depending upon whether it is a Township, County, or State Road, prior to construction.
7. Common parking areas and sharing of driveways shall be permitted and encouraged to minimize curb cuts and impervious surfaces. Applicants shall provide for and submit an access/driveway maintenance agreement for review and approval with the application for

a Zoning Certificate or Conditional Use Certificate and which, when approved, shall also be filed with the deed(s) for each lot involved. Liability safeguards for all property owners and lessees served by common parking areas and or access-ways shall be guaranteed to the satisfaction of the Township's legal counsel.

8. Maximum Driveway Widths:
  - a. Single or Two Family Residence: 12 feet.
  - b. Other Uses: One way drive: 12 feet  
Two way drive: 24 feet at the sidewalk line

## **SECTION 555 NC NEIGHBORHOOD COMMERCIAL DISTRICT**

### **Section 555.01 Purpose**

The purposes of the Neighborhood Commercial District are:

- A. To encourage expansion and development of business and service uses that are frequently needed by the residents in the immediate neighborhood area as well as the Township in general.
- B. To increase the local tax base and employment opportunities.
- C. To encourage the type and design of commercial uses that are compatible in scale, character, and intensity with the Town Center and neighboring residential development.
- D. To encourage commercial uses designed to be integrated, compact clusters of development.

### **Section 555.02 Uses**

#### **A. Permitted Uses**

1. *Professional and Business Offices* including but not limited to accountants, dentists, doctors, insurance agents, travel agents, architects, lawyers.
2. *Retail and Service Uses*
  - a. Retail Establishments including but not limited to antiques stores, clothing and shoe stores, florists, gift shops, office supply, furniture, hardware, drug stores, electronic stores, art supplies, jewelry stores.
  - b. Personal service establishments<sup>6</sup> including but not limited to barber shops, beauty salons, shoe repair shops, laundromats.
  - c. Banks and other financial establishments
  - d. Food and drink preparation/sales on premises including but not limited to bakeries, cafes, delicatessens, grocery stores, meat market, restaurants (sit down and carry out), and taverns.<sup>7</sup>

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<sup>6</sup> Personal Services are those services frequently needed by residents in the immediate neighborhood and township in general.

- e. Studios for dance, art, music, photography
- f. Printing/copying services
- 3. *Lodging Establishments*
  - a. Bed and breakfast establishments
- 4. *Civic and Institutional Uses*
  - a. Libraries
  - b. Nursery schools and day care centers.
  - c. Public and semi-public facilities including parks and playgrounds
- 5. Accessory structures/uses incidental to the principal permitted use (*Also see Schedule 705.01*)
- 6. Uses similar in character as determined by the Board of Zoning Appeals

## **B. Conditionally Permitted Uses**

- 1. *Automotive Uses*
  - Gasoline service stations
- 2. *Retail and Services*
  - Funeral homes
- 3. *General Commercial Uses*
  - a. Farm implement sales
  - b. Carpenter, cabinet or upholstery shops
  - c. Plumbing, heating, air conditioning shops and similar establishments
- 4. *Civic and Institutional Uses*
  - a. Public and private schools
  - b. Churches, places of worship
  - c. Community recreation centers
  - d. Assembly hall/meeting place
- 5. *Animal Hospital, Veterinary Office and Clinic*
- 6. Accessory structures/uses incidental to the principal conditionally permitted use (*Also see Schedule 705.01*)

## **Section 555.03 Area, Yard and Height Requirement**

**A. Minimum Lot Size:** None

**B. Minimum Lot Frontage and Width:** 60 feet

**C. Minimum and Maximum Front Yard Depth:**

Each building shall have a front yard setback from the street right of way not less in depth than the average front yard setbacks of all buildings within two hundred (200) feet of the site. In no case shall a building be placed closer than twenty (20) feet to the street right of way.

*Maximum front yard setback* in the NC district: 50 feet.

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<sup>7</sup> Does not include drive-throughs

**D. Minimum Side Yard Width:**

1. Adjacent to a nonresidential use: 15 feet
2. Adjacent to a residential use: 20 feet  
Within this increased setback, a landscaped buffer of at least 5 feet or a complete screen shall be provided.

**E. Minimum Rear Yard Depth:**

1. Adjacent to a nonresidential use: 30 feet
2. Adjacent to a residential use: 35 feet  
Within this increased setback, a landscaped buffer of at least 5 feet or a complete screening shall be provided.

**F. Maximum Building Height:** No structure shall exceed 35 feet in height.

**Section 555.03 Building Size and Lot Coverage****A. Building Size Ratio:**

6,000 square feet of gross floor area per 20,000 square feet of lot area. No individual structure shall exceed 20,000 square feet in gross floor area.

**B. Maximum Lot Coverage:**

No more than seventy-five (75) percent of any lot may be covered by buildings and impervious surfaces. At least twenty-five (25) percent of the lot shall be grassy and/or landscaped.

**Section 555.04 Parking and Loading Requirements**

As required by Chapter 8.

Off street parking areas located to the rear or side of buildings, accessed by means of common driveways, and appropriately landscaped, buffered and screened are preferred for expansions and conversions of existing uses.

Off street parking and loading areas for new buildings may be permitted in the side or rear only.

**Section 555.05 Signage**

As regulated by Chapter 9

**Section 550.06 Landscaping and Screening**

Landscaping and screening shall be completed in compliance with Section 710

## **Section 550.07 Plan Review**

Plan review shall be required pursuant to Chapter 4, and Section 720 Site Planning and Design Guidelines.

## **Section 555.08 Supplementary Regulations**

### **A. Trash and Refuse**

All trash and refuse shall either be stored inside the building until commercial trash collection pickup or within an opaque screened area or fenced, such screening or fencing shall be at least 6 feet in height and accessible by a collection vehicle from one side. All trash collection areas shall have a hard surface under the trash receptacles to facilitate collection and clean up.

### **B. Lighting**

Lighting shall comply with standards as specified by Chapter 7, Section 711.02, Lighting Standards.

### **C. Sidewalks**

All new development and redevelopment of lots/uses shall be required to construct sidewalks the width along the frontage of their property within the road right of way in accordance with the standards of the Portage County Subdivision Regulations, or the Township standards where the Portage County Subdivision Regulations do not govern.

### **D. Driveway and Access Standards**

1. Where lots are located below the level of the road, a driveway permit and Zoning Certificate may not be granted unless the applicant provides the Zoning Inspector or Board of Zoning Appeals with satisfactory methods that will be utilized to improve the property to provide safe access to and from the road right-of-way to the property.
2. There shall be a maximum of two driveway entrances/exits per developed lot.
3. On lots having less than 100 feet of frontage, only 1 access driveway will be permitted.
4. There shall be a minimum distance of 50 feet between proposed and existing driveways on public roads.
5. No driveway centerline shall be located closer than 100 feet from the intersection of any two roadways.
6. Permits for driveways shall be obtained from the proper authority, depending upon whether it is a Township, County, or State Road, prior to construction.
7. Common parking areas and sharing of driveways shall be permitted and encouraged to minimize curb cuts and impervious surfaces. Applicants shall provide for and submit access/driveway maintenance agreement for review and approval with the application for

a Zoning Certificate or Conditional Use Certificate and which, when approved, shall also be filed with the deed(s) for each lot involved. Liability safeguards for all property owners and lessees served by common parking areas and or access ways shall be guaranteed to the satisfaction of the Township's legal counsel.

## **SECTION 560 GENERAL COMMERCIAL DISTRICT**

### **Section 560.01 Purpose**

The purposes of the General Commercial District are:

- A. To encourage expansion and development of commercial uses and services, primarily for Township residents in locations that are or will be adequately served by major thoroughfares and other facilities, recognizing that some uses, due to their characteristics and potential impacts, are not generally suited to be located immediately adjacent to residential uses, and to permit limited outdoor activities in areas that are adequately screened from view.
- B. To increase the local tax base and employment opportunities.
- C. To encourage the type and design of commercial uses that are compatible in scale, and character with the Town Center.
- D. To encourage grouping of commercial uses and those designed to be integrated, compact clusters of development.

### **Section 560.02 Uses**

#### **A. Permitted Uses**

- 1. Professional and business offices
- 2. *Retail and Service Uses* as described in the NC District
  - a. Retail establishments
  - b. Personal service establishments<sup>8</sup>
  - c. Banking and financial Institutions
  - d. Food and drink preparation and sales
  - e. Restaurants and taverns
  - f. Studios for dance, art, music, photography
- 3. *General Commercial Uses*
  - a. Farm implement sales and service
  - b. Carpenter, cabinet or upholstery shops
  - c. Plumbing, heating, air conditioning shops or similar establishments
- 4. Uses similar in character as determined by the Board of Zoning Appeals
- 5. Accessory structures/uses incidental to the principal permitted use. (*See Schedule 705.01*)

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<sup>8</sup> Personal Services are those services frequently needed by residents in the immediate neighborhood and township in general.

## **B. Conditionally Permitted Uses**

The Board of Zoning Appeals may authorize issuance of Conditional Zoning Certificates for the uses listed below, subject to the general conditions of Section 600 and the specific conditions of Section 601.

1. *Retail and Service Uses*  
Drive through facilities associated with a principal use
2. *Lodging Establishments*
  - a. Hotels
  - b. Motels
3. *Automotive Uses*
  - a. Auto, motor vehicle repair garage
  - b. Auto, motor vehicle sales
  - c. Car washes
  - d. Gasoline service stations
4. *General Commercial Uses*
  - a. Building material sales
  - b. Lawn and garden equipment sales and service
  - c. Small machine shops
5. *Civic and Institutional Uses*
  - a. Public, civic, and social service facilities, including parks and playgrounds
  - b. Community recreation centers
6. Accessory structures/uses incidental to the principal conditionally permitted use (*See Schedule 705.01*)

## **Section 560.03 Area, Yard and Height Requirements**

**A. Minimum Lot Size:** None

**B. Minimum Frontage:** 60 feet

**C. Minimum Lot Width:** 100 feet

**D. Minimum Front Yard Depth:** 50 feet

**E. Minimum Rear Yard Depth:**

1. Adjacent to a nonresidential use: 30 feet
2. Adjacent to a residential use: 35 feet  
Within this increased setback, a landscaped buffer of at least 5 feet or a complete screening shall be provided.

**F. Minimum Side Yard:**

- a. Adjacent to a nonresidential use: 20 feet
  - b. Adjacent to a residential use: 35 feet
- Within this increased setback, a landscaped buffer of at least 15 feet or a complete landscaped screen or screen of fencing, or a combination shall be provided.
- Neither solid block walls nor chain link fence shall be deemed suitable fencing material.

#### **G. Flexibility in Yard Requirements:**

Separate buildings on separate parcels may be placed side by side (zero lot line) as part of a joint development when approved by the Board of Zoning Appeals provided they meet Portage County Building Code.

#### **H. Maximum Building Height: 35 feet**

### **Section 560.03 Building Size and Lot Coverage**

#### **A. Building Size Ratio:**

Maximum building size shall be 6,000 square feet of gross floor area per 20,000 square feet of lot area. No individual structure shall exceed 20,000 square feet in gross floor area.

#### **B. Maximum Lot Coverage:**

No more than 75% of any lot may be covered by buildings and impervious surfaces. At least 25% of the lot shall be landscaped and grassy yard areas.

### **Section 560.04 Parking and Loading Requirements**

Parking and Loading areas shall be in compliance with the requirements of Chapter 8.

### **Section 560.05 Signage**

Signage shall be in compliance with the regulations specified in Chapter 9.

### **Section 560.06 Landscaping and Screening**

Landscaping and screening shall be completed in compliance with Section 710

### **Section 560.07 Plan Review**



Plan review shall be required pursuant to Chapter 4, and Section 720 Site Planning and Design Guidelines.

## **Section 560.08 Supplementary Regulations**

### **A. Trash and Refuse**

All trash and refuse shall either be stored inside the building until commercial trash collection pickup or within an opaque screened area or fenced, such screening or fencing shall be at least 6 feet in height and accessible by a collection vehicle from one side. All trash collection areas shall have a hard surface under the trash receptacles to facilitate collection and clean up.

### **B. Lighting**

Lighting shall comply with standards as specified by Chapter 7, Section 711.02, Lighting Standards.

### **C. Sidewalks**

All new development and redevelopment of lots/uses shall be required to construct sidewalks the width along the frontage of their property in the road right of way in accordance with the standards of the Portage County Subdivision Regulations, or the Township standards where the Portage County Subdivision Regulations do not govern.

### **D. Driveway and Access Limits**

1. There shall be a maximum of two driveway entrances/exits per developed lot.
2. On lots having less than 100 feet of frontage, only 1 access driveway will be permitted.
3. There shall be a minimum distance of 50 feet between proposed and existing driveways on public roads.
4. No driveway centerline shall be located closer than 100 feet from the intersection of any two roadways.
5. Permits for driveways shall be obtained from the proper authority, depending upon whether it is a Township, County, or State Road, prior to construction.
6. Common parking areas and sharing of driveways shall be permitted and encouraged to minimize curb cuts and impervious surfaces. Applicants shall provide for and submit an access/driveway maintenance agreement for review and approval with the application for a Zoning Certificate or Conditional Use Certificate and which, when approved, shall also be filed with the deed(s) for each lot involved. Liability safeguards for all property owners and lessees served by common parking areas and or access-ways shall be guaranteed to the satisfaction of the Township's legal counsel.

## **SECTION 565 I-1 LIGHT INDUSTRIAL DISTRICT**

### Section 565.01 Purpose

The Light Industrial District is established to:

- A. Provide in appropriate and convenient locations, sufficient areas for industrial and manufacturing activities and the distribution of goods and materials.
- B. Provide for and accommodate light industrial uses such as manufacturing, office, wholesale and distribution establishments that operate entirely within completely enclosed structures and that normally generate only limited outdoor storage of goods and supplies in association with the principal activity.
- C. Provide for establishments that utilize processes in which dust, smoke, fumes, glares, odors or other objectionable elements can be controlled, and that do not involve any process or materials that are potentially dangerous or hazardous processes.

### Section 565.02 Use Regulations

- A. A use listed in Schedule 565.02 shall be permitted by right as a permitted use in a District when denoted by the letter “P”, subject to all of the applicable development standards and requirements.
- B. A use listed in Schedule 565.02 shall be permitted as a conditional use in the District when denoted by the letter “C”, subject to all of the applicable development standards and requirements contained in Chapters 6 and Section 401.
- C. A use listed in Schedule 565.02 shall be permitted as an accessory use when denoted by the letter “P”, subject to all of the applicable development standards and requirements contained in Chapter 7, Section 705 Accessory Uses and Structures.

#### *Schedule 565.02 Permitted Uses*

	I – Light Industrial District
<i>A. Offices</i>	
1. Professional, administrative, executive and business	P
2. Research facilities and laboratories	C
3. Medical offices and clinics	P
<i>B. Storage and Distribution</i>	
1. Warehousing	P
2. Wholesale establishments	C
3. Printing and publishing	P
<i>C. General Commercial</i>	
1. Carpentry, cabinet or upholstery shops	P
2. Heating, air conditioning and plumbing	P

shops	
3. Bldg. material, lawn and garden equipment sales	C
4. Mini/self storage	C
5. Recreational facilities, indoor, public or private	C
6. Adult entertainment uses	C
7. Contractors yards and storage facilities	C
8. Commercial truck parking areas	C
<i>D. Manufacturing and Processing Such As:</i>	
1. Assembly of finished goods	P
2. Packaging of finished goods	P
3. Manufacturing and processing of a) Bakery goods, candy and food products; b) Products from previously prepared materials such as cloth, glass, leather, plastic, precious or semi-precious metals or stones, wood, etc.; c) Toys, novelties and similar products; d) Household appliances, electronic appliances instruments and devices, small machinery, hardware and similar products.	P
<i>E. Community Facilities</i>	
1. Recycling center	C
2. Government offices/facilities	C
3. Telecommunication towers	P
<i>F. Accessory Uses/Structures (See Schedule 705.01)</i>	
1. Garages and off-street parking and loading areas	P
2. Signs	P
3. Fences, walls	P
4. Incidental accessory uses and buildings	P
5. Outdoor storage	P

P = Permitted Use by Right

C = Conditional Use

### **Section 565.03 Multiple Use/Units of Industrial Buildings and Buildings/Lot**

Industrial buildings may have more than one use and multiple units within the building and there may be more than one industrial building per lot provided the following requirements in addition to all other applicable requirements of this resolution are met:

- A. Uses must be those listed in the schedule of 565.02.
- B. All buildings and structures comply with the Area and Yard requirements of Schedule 565.04.

- C. Any change in use of any unit must be evaluated by the Zoning Inspector to determine if a revised site plan will need to be submitted and approved by Zoning Inspector or Board of Zoning Appeals as required by Chapter 4 of this Resolution. Any change in use also requires a Zoning Certificate as per Section 400.01 et. seq.

## **Section 565.04 Lot and Yard Requirements**

The lot requirements for uses in the Light Industrial District are specified in Schedule 565.04 below. Every building shall be set back on a lot so as to create and maintain the following yards as set forth in Schedule 565.04.

### *Schedule 565.04 Minimum Lot and Yard Requirements*

	I – Light Industrial District
1. Lot Area	½ ac.
2. Lot Width	100 ft.
3. Lot Frontage	60 ft.
4. Front Yard	50 ft.
5. Side Yard	25 ft.
a) where adjacent to a residential district	50 ft.
b) Option	30 ft. one side, 0ft. opposite, if common wall
6. Rear Yard	25 ft.
a) where adjacent to a residential district	50 ft.
7. Landscape buffer in yards abutting residential district, plus 6 ft. fence or obscuring screening	15 ft.
8. Maximum Lot Coverage by building and parking areas	75%
9. Distance Between Principal Ind. Buildings	40 ft.

## **Section 565.05 Height Regulations for Principal Buildings**

- A. The height of all buildings shall not exceed forty (40) feet.
- B. Exceptions to the height regulations are set forth in Chapter 7, Regulations Applicable to All Districts.

## **Section 565.06 Location of Accessory Uses and Structures in Required Yards**

Accessory uses permitted in the Light Industrial District shall conform to the regulations of this Section and Chapter 705, Accessory Uses and Structures.

## **Section 565.07 Off-Street Parking and Loading**

Off-street parking and loading areas shall conform to the regulations of Chapter 8, Off-Street Parking and Loading. Parking shall be located to the rear or side of the principal buildings wherever possible. If location of parking in rear or side is precluded by site constraints, landscaped screening on the street side will be required.

**Section 565.08 Signs**

Signs shall be in compliance with the regulations specified in Chapter 9, Signs.

**Section 565.09 Landscaping and Screening**

Landscaping, visual screening and landscape buffers shall be provided for in compliance with the regulations specified in section 710, Landscaping and Screening.

**Section 565.10 Performance Standards**

See Section 711.02

**Section 565.11 Plan Review**

Plan review shall be required pursuant to Chapter 4, and Section 720 Site Planning and Design Guidelines.

**Section 565.12 Outdoor Displays and Storage**

Any outdoor displays or storage of shall be in compliance with Section 708 and 709 of this Resolution.

**SECTION 570 F-1 FAIR DISTRICT****Section 570.01 Purpose**

The purpose of this district is to accommodate the annual Portage County Randolph Fair and other temporary activities in conjunction with the annual Fair, recognizing the importance of the Fair as an event which celebrates agriculture and its associated economic activities as an important part of our heritage, economy and local culture; to allow, with conditions, certain temporary uses other than the Fair which allow the primary land use and activities of the Fair to continue without causing physical or financial burdens upon the surrounding neighborhood and community in general and which do not become or create any public nuisance. These other temporary uses and activities shall predominately relate to the primary function of the Fair and Agricultural Society, i.e., agriculturally related activities and uses.

**Section 570.02 Uses**

Within the F-1 Fair District, no building, structure, or premises shall be used, arranged to be used, or designed to be used except for one or more of the following uses:

## A. Permitted Uses

1. The annual Portage County Randolph Fair and its ancillary uses during the fair, including all uses of structures existing at the time of the original adoption of this zoning district by Resolution (05/21/94).
2. Buildings for non-commercial uses, specifically for uses of an agricultural character or fairground-related use.
3. Animal shows sponsored by the Fair Board (Agricultural Society), Junior Fair, 4-H, or Future Farmers of America.
4. Signage in accordance with Chapter 9.
5. Parking for the above permitted uses.
6. Parking for no more than four (4) special events per calendar year, not exceeding a total twelve (12) days per year with any individual event not to exceed four (4) days in length, provided that the conditions set forth herein below are fully satisfied:
  - a. The certificate permitted herein shall be conditioned upon the applicants demonstration that it will comply with the following conditions:
    1. The applicant shall provide a description of the special event planned by the owner or applicant, for which parking is proposed, adequate enough to allow the Zoning Inspector to determine that the event is not one otherwise excluded from this provision as set forth herein below.
    2. The applicant and its tenants or other agents shall provide traffic control and parking personnel adequate to minimize the congestion of traffic on all public roadways adjacent to the subject property.
    3. The use of the parking areas shall be allowed only during the hours of 7:00 a.m. to 11:00 p.m.
    4. The applicant, its tenants or other agents, shall advise the Zoning Inspector of the dates of any special event or events, after same are scheduled, as soon as thereafter possible.
    5. Parking is permitted only for a special event which is not either: 1) a concert or musical group performance; 2) operation of a firearms shooting range or event; or 3) any event which will produce or create a nuisance otherwise prohibited under this Zoning Resolution in Section 711.
    6. Traffic shall be diverted onto the owner's or applicant's property from any State Routes, using any available direct entrance to the property as primary access.
  - b. Upon demonstration of compliance with the conditions called for herein, the special events parking certificate shall be issued by the Zoning Inspector.
7. Any use otherwise permitted in a Single Family Residential Zoning District

8. Accessory structures/uses incidental to the principal permitted use (See Schedule 705.01)

## **B. Conditionally Permitted Uses**

The Board of Zoning Appeals may issue Conditional Zoning Certificates for temporary uses listed below, subject to Sections 600 and Specific Conditions of 601. Conditionally permitted temporary uses shall also be subject to plan review requirements of Section 601 and where applicable, Chapter 4., prior to issuance of any Conditional Zoning Certificate if such uses: 1) Are new temporary uses that are not nonconforming uses of record that were conducted on the two parcels created and used for fair activities prior to the enactment of zoning in Randolph Township (November 13, 1968); 2) Is a use of any other properties other than those two parcels.<sup>9</sup> *Exceptions are noted above in 570.02A.*

Conditionally permitted temporary uses permitted under 1 or 2 are:

1. Storage (non-fair related) within an enclosed structure
2. Flea market or rummage sales for community/civic/quasi public organization fund raising
3. Home and garden shows
4. Civic, governmental, or quasi-public special events
5. Arts and craft shows
6. Antique shows
7. Animal shows not meeting the description of 570.02
8. Concession operating in conjunction with the above conditionally permitted uses
9. Parking for the above conditionally permitted uses
10. Signs in compliance with Chapter 9, Signs

## **C. Non-Conforming Uses Unaffected**

This section shall not in any way interfere with or affect the right to continue the use of fairground premises for any use qualifying as a pre-existing, lawful, non-conforming use.

## **Section 570.03 Specific Prohibited Events**

The following special events are prohibited, including parking for such events:

- A. Concerts or similar events.
- B. Shooting ranges (Guns or Archery)
- C. Truck and tractor pulls (Except Garden Tractors)
- D. Events that will generate noise levels that exceed the Townships' Performance Standards specified in Section 711.

## **Section 570.04 Area, Yard, and Height Regulations**

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<sup>9</sup> Referred to in the Common Pleas Court Judgment Entry of 7/8/93 as property identified in Deed Volumes and Pages 126/260, 143/120 and 672/365).



**A. Setbacks from Right of Ways**

All structures, permanent or temporary, and activities shall be set back from the road right-of-way a minimum of 100 feet.

**B. Setback from Lot Lines Other Than Street Sides**

All structures, permanent or temporary, and activities shall be set back from the lot line a minimum of 100 feet, except for parking which shall be set back a minimum of 50 feet from the lot line.

**C. Separations Between Structures**

All structures, permanent or temporary, shall have a distance of 25 feet between them.

**D. Maximum Height of Structures**

No structure shall be more than 35 feet in height.

**Section 570.05 Supplementary Regulations**

- A. Drop-off, loading and unloading areas shall not occur within the street right-of-way.
- B. No on-street parking shall be permitted.
- C. Areas open to the public shall be separated by barriers, cones or temporary fences from potentially hazardous areas.
- D. As specified by the American Disabilities Act, the number of designated handicapped parking spaces shall be set aside, located near entrances and exits and clearly delineated.
- E. For all uses, security lights shall be maintained to protect the public and the safety of the individuals using the Fair property. No outdoor lighting shall directly project to any residences in the immediate vicinity of the site. Spot lights shall be extinguished within one hour after the conclusion of any event.
- F. Litter and trash shall be controlled and sufficient containers provided to insure no overflow. Measures shall be taken to keep trash/debris from littering any right-of-ways or neighboring properties.
- G. All events shall occur between the hours of 9:00 a.m. and 9:30 p.m. on Sunday through Thursday, and 8:00 a.m. and 11:00 p.m. on Friday and Saturday, with the exception of the annual Randolph Portage County Fair.
- H. Except for emergencies, the public address system will be extinguished within thirty minutes

after the conclusion of any event.

- I. Any events for which fireworks will be used shall require the approval of the Chief of the Fire Department.
- J. There shall be adequate security arranged for each event and if necessary, as determined by the Township, provided 24 hours a day during the event.
- K. There shall be sanitary facilities available to the public during the duration of the event that complies with Portage County and State Health Code.
- L. Professional traffic controllers shall be provided for special events. At State Route 44, there shall be a professional utilized to control traffic (such as off duty Sheriff Deputy)
- M. Events scheduled must not exceed the capacity of the site and surrounding streets to accommodate people, traffic and temporary structures.

## **SECTION 575 TRANSFER OF DEVELOPMENT RIGHTS**

This section reserved for transfer of development rights procedures and requirements when developed and adopted.